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THE

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WORKS

Of the late REVEREND and LEARNED

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1. The first of these is the fact that the Commission has not yet received any information from the Government of the United States regarding the results of its investigation of the activities of the Communist Party in the United States.

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ORATIO

DE NOVO

Physiologiæ Explicandæ

MUNERE,

EX

Celeberrimi WOODWARDI Testamento

INSTITUTO:

Habita CANTABRIGIÆ in Scholis Publicis a
CONYERS MIDDLETON, S. T. P.

Academiæ Cantabrigiensis Protobibliothecario &
Lectore ibidem WOODWARDIANO.

Vol. IV.

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ORATIO

Physiologiae Experimentalis

M. C. N. E. R.

W. C. WARD

INSTITUTIO

INSTITUTIO IN SCHOLA PUBLICA

CONTRA APPARATUS

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Vol. IV. A

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ORATIO

DE NOVO

PHYSIOLOGIÆ EXPLICANDÆ

MUNERE, &c.

CUM res præclarè gestæ, aut ad communem utilitatem sapienter institutæ, apud omnes ferè gentes, solenni hominum cœtu ludisque celebrari, & posteritatis memoriæ commendari solerent; tum muneris hodierno die instituti dignitas, quæ hunc doctorum virorum conventum frequentiamque congregavit, id etiam meritò flagitare videtur, ut non sine publicâ quâdam gratulatione jam primùm suscipiatur, & ad sempiterna literarum commoda solenni oratione consecretur. Nam si honoribus artes aluntur, & si ab artium literarumque gloriâ Academiæ nostræ vitam spiritumque ducunt, nihil sanè Academicis lætabilius, nihil gratulatione dignius accidere potest, quàm præmia literarum studiis alendis publicè assignata.

Quamobrem gratulari vobis imprimis liceat nova hæcce Almæ Matri addita ornamenta; novos hosce, quibus ipse nunc fungor, honores: non enim meos esse putetis, quòd ad me

primùm delatos cernitis; vestri sunt, Academici; vobis in commune propositi; vestrumque certè aliquis hos ipsos laborum suorum fructus posthac percipiet; me propterea doctior, digniorque, quod hoc jam præmio constituto, atque hâc tantâ scientiæ supellectile comparatâ, studio & meditatione instructior accedat necesse sit.

Opinionem quandam apud homines doctos esse sentio, doctrinæ artiumque bonarum studia hebescere per hosce annos & languere cœpisse: idque iniquæ nostrorum temporum conditioni, factionibusque istis, quæ Rempublicam tam diu vexârunt, adscribendum plerique censent; quibus juvenus nostra infecta penitus atque imbuta, non doctrinâ sese ornare, non artibus instruere curat, nisi eis, quibus ad honores, Magnorumque gratiam viam sibi muniri cernit, partium scilicet, non literarum studiis.

Ego verò crediderim potius, Academici, veterem istum studiorum ardorem idcirco jam paulatim deferbuisset, quòd artes fere omnes nostrorum hominum ingeniis ita elaboratæ & excultæ & ad illud quasi culmen & fastigium evectæ sunt, ut nullos ultra progressus capere posse videantur: ita ut præ gloriæ fructûsque assequendi desperatione, operæque & temporis perdendi metu, cursum multi institutum omittere, aliamque sibi vitæ & fortunarum viam investigare

vestigare cogantur. Artiumque adeò Victrix Alma Mater, literarum penitus orbe peragrato, otio ferè languida & mœsta, sortem jam suam deflere videtur, quòd nihil ultra restet debellandum, nec alia scientiarum regio peragranda.

At ecce Vobis novus jam tandem Orbis demonstratus ! novi Scientiæ campi patefacti ! & digni illi quidem, quibus in colendis industriam ingeniumque vestrum exerceatis, cùm tot eruditionis instrumenta, tantam Studiorum novorum materiem, in hoc literarum emporium importari inde videatis.

Has nobis regiones, tantis frugibus foetas, divitiis refertas aperuit, *Woodwardus* ; & ad eum finem aperuit, ut hac præmiorum ubertate invitati in nostram illas ditionem redigeremus. Haud aliter populorum duces, quas sibi terras subigendas, occupandasque destinaverant, earum terrarum fruges, mercesque publicè exponere solitos accepimus, quo studium suis animosque ad labores perferendos adjungerent.

Woodwardi autem nomen, cujus tanta in nos beneficia hodierno die celebramus, ad sese orationem meam vocat, & de laudibus ejus prædicandis admonet. Nihil enim æquius, quàm cujus ex liberalitate hoc ipsum dicendi munus ortum atque originem duxerit, ut ab eo potissimùm ornando dicendi etiam materiem argumentumque ducamus.

Hunc laudis & gloriæ fructum illustria clarorum virorum facta tanquam mercedem requirunt; non tam mortuorum famæ debitam, quàm viventium utilitati accommodatam, quò nos aliorum laudibus, quasi gloriolæ stimulis admotis, ad virtutes eorum assequendas concitemur.

De homine verò tam celebri, tam ab omnibus cognito, & in urbe amplissimâ, oculisque civium vitam omnem degente, quid omnino novi & inauditi proferri poterit? Quid, in quo non Vos ipsi dicentis vocem prævenire & antevertere queatis? Etenim si, quod de Medico ante omnia prædicandum, de Medicinæ scientiâ & laude ejus præstanti dicerem; at quis ignorat, *Woodwardi* nomen inter summos Artis Professores principem semper locum obtinuisse? multosque hoc ipso tempore superesse novimus, qui quod vivant valeantque *Woodwardo* se uni debere profitentur.

Si, quod nos potissimum commovere debet, Doctrinam ejus excellentem multiplicemque celebrarem; at scripta ejus, omnium manibus trita, omniumque pene in linguas conversa, illam jam diu demonstrant.

Si, quod hujusce diei celebritas postulare maxime videatur, Liberalitatem ejus animique magnitudinem commemorarem; at hoc ipsum munus, quo jam fungor, illud omne vel me
tacente

tacente declararet; atque hæc nostra Academia sempiternum munificentiae ejus monumentum extabit.

In his autem egregiis *Woodwardi* virtutibus, quas omnibus notas, & cum nonnullis etiam communes habuit; habuit tamen in singulis ita proprium suum quiddam & peculiare, ut quisquis illo familiariter usus esset, novam facile & præcipuam laudis materiem elicere inde possit.

In Medicinâ enim nonnulla, si non ab eo inventa, at auctoritate ejus commendata, & in communem usum recepta, magni ad vitam hominum conservandam momenti esse reperiuntur. Ingenio autem uti in omnibus eleganti erat, & polito, sic præscripta sua ita temperanda semper & administranda curavit, ut vim suam non certius modò citiusque obtinerent, sed ut nauseæ simul minus & fastidii aegris & languentibus darent. Quod verò maximum est; non artem suam ad ambitionem avaritiamve accommodare; non magnorum gratiam divitumque copias obsequiis captare; sed pauperibus potius opem benevolam & gratitam præbere solebat.

Vidi ego, Academici, fores ejus, tanquam *Æsculapii* quoddam vestibulum, debiliùm turbâ refertas; quibus si vires modò suppetere, ut ejus in conspectum venirent, de reditu parum cogitasse videntur; tantam in eo uno valetudi-

nis recuperandæ spem fiduciamque posuerant. Nec spes quidem illos sæpe fefellit ; nam tantâ ille omnes tum patientiâ tum comitate exceperit, quasi non curare solum, sed placere etiam ægris studuisset ; nullâ sibi laboris mercede propositâ, nisi quam animi conscientia suppeditaret ; & vel rei ipsius famam comprimere cupiisset, ni famam istam plures ad se ægrotos invitaturam, pluresque adeò benefaciendi occasiones daturam sibi sperâisset. Haud mirum igitur, quod quibus artibus Æsculapius in Cœlestium numerum euectus fuerit, iisdem *Woodwardus* miseris hisce quasi præsens quidam Deus haberetur.

Doctrinam autem suam non Artis suæ angustiiis terminavit ; neque eâ contentus fuit, quæ ad summi Medici famam satis esset, nisi omnem istam cognitionis & scientiæ ferè infinitatem animo comprehendere ac complecti potuisset. Quoties eum in Bibliothecâ suâ, quam instructissimam habuit, de Artium omnium studiis ita disputantem audiui, ac si disputandi copiâ & ubertate vel librorum suorum copiam varietatemque adæquare conaretur ? Ita tamen de singulis eruditè ; ac si in arte illâ, de quâ differebat, enutritus, eamque unicè professus esset ? In rerum autem Romanarum cognitione tam curiosè versatus est ; ut me, qui huic ipsi rei non operæ certè parum studii que dedissem, quique Romæ etiam fuissem, ab homine occupato, aliudque agente, tantopere superari non tam molestè quidem ferre, quàm mirari solerem.

Quic-

Quicquid verò in reliquis studiis profecerit ; in Physicâ certè neminem sui similem paremve habuit : eam autem velim Physicæ partem, quæ in Fossilium, uti vocant, rerumve, quas Terra intus in venis inclusas contineat, naturis explicandis versatur. Viderat ille ex hac ipsâ Academiâ *Newtonum*, divino planè ingenio hominem, cuncta quæ supra sunt, quæque adspectabilem Mundi fabricam constituunt, sicuti provinciam suam propriam occupâsse, & accuratè admodum explicuisse ; Deumque inde Mundi ipsius conditorem, Rectoremque demonstrâsse. Noster igitur, ingenio haud dispari, eodemque naturæ investigandæ studio incensus, at contrariâ viâ insistere & sub terras penetrare cogeatur : Nec minora tamen inde rerum miracula eruit ; Diluvium Universale ; Sacrarum literarum fidem ; Deum.

Sic jam duplex quoddam contra Atheos conficitur tandem argumentum ; quod, *Quercus* ejus *Virgilianæ* ad instar, quantum auras ad æthereas, atque in altum caput attollit, tantum deorsum pariter, atque ipsa in Tartara radicibus tendit.

Sic veterem istam *Orphei* fabellam *Woodwardum* quodammodo egisse vidimus ; quamque uxoris usque loco adamaverat, Scientiam quasi ex inferis evocâsse.

Dum-

Dumque *Newtonus* ex Solis naturâ perspectâ,
lucis simul naturam explicuit; hic noster ex
caligine ipsâ, mediusque e tenebris elicit
lucem.

Alii rerum naturalium investigatores Fossilia
istâ non nisi ad corporis curationem ususque
medicos conquirenda & adhibenda existima-
rent: *Woodwardus* autem altiora longè sapiens,
eâque tanquam nobilioris studii instrumenta
considerans, ad animi medicinam cultumque
princeps adhibuit. Hâc semel cogitatione im-
pulsus nullam sibi requiem dare potuit, donec
omnia, quæ e Terræ visceribus rariora ubivis
gentium effodiantur, infinito sumptu & labore
conquisisset & in capsulas suas condidisset. In
illâ Arcâ, Quicquid India ferè utraq; pretiosi
habeat, non ad luxum, vitæque delicias; sed
ad animi pastum, ad scientiam repositum; in
illâ, auri argentiue pondus, non ad quæstum
avaritiamque, sed ad Philosophiam, ad Na-
turæ contemplationem reconditum videatis.
Hanc enim rerum rarissimarum collectionem,
non ostentationis aut gloriolæ, sed argumenti
gravis magnique illustrandi causâ comparave-
rat; quò Mosaicæ scilicet Historiæ fidem, Di-
luvii universalis veritatem, resque in eo omnes
fusas quasi communiter inter se & liquefactas
ostenderet: In quâ quidem disputatione, hæc
ille omnis generis Fossilia, quasi totidem argu-
menta & testimonia exposuit. Quicquid enim

in

in istâ Universæ Naturæ perturbatione accidisse credibile est, illud omne ex rebus ipsis ab eo collectis perspicere jam atque oculis planè intuitui licet. Hic res naturâ & genere diversissimas, animatas cum inanimis, marinas cum terrestribus confusas, & in unum corpus conflatas cernimus : quibusque rebus Natura non nisi unum Oceani fundum, uti nativam sedem, assignasset ; eas hic tum ex summis montium jugis, tum ex imis sæpius radicibus effossas contemplamur : Hic tenera plantarum pisciumque corpora in lapidibus jam indurescentibus inhaerentia atque inclusa, formam sui & effigiem vel durissimis faxis impressisse admiramur : Quod fieri quidem omnino potuisse, nisi ex Diluvii omnia dissolventis permiscentisque vi, incredibile fanè videtur.

Hanc autem viri docti sententiam libri ejus ingeniosè admodum & eruditè conscripti confirmant : de quibus, cùm dissertationibus ex hoc ipso loco habendis materiem sint aliquando præbituri, nihil jam amplius dicam, quàm quod omnium plausu excepti, omniumque pæne in linguas conversi, *Woodwardi* nomen per orbem literatum clàrum & nobile reddiderunt.

Mihi enim credite, Academici, cùm in exteris gentibus versarer, plura de hoc uno homine a me fuisse quæsitâ, quàm, *Newtono* excepto, de reliquis fere omnibus Angliæ nostræ literatis :

literatis : tanta tum scriptorum ejus, tum rerum, quas ex omnibus planè locis coëmerat, fama per cunctas nationes pervaserat.

Pudet ferè dicere, hunc talem tantumque virum ad illud doctrinæ & virtutis fastigium propriis viribus & ingenio, absque hac nostrâ disciplinâ pervenire potuisse : & ejusmodi homines, si vel numero plures vel temporibus sæpius existerent, vereretur profectò, ut Academiæ nostræ inutiles meritò censerentur. Sed rari admodum tam excellenti naturâ, & in singulis ætatibus vix singuli reperiuntur ; atque is ipse, de quo dicimus, egregiâ suâ in hanc Academiam liberalitate, quanto eam Reipublicæ ornamento esse censuerit, moriens declaravit : Declaravit, inquam, illud sibi unum ad perfectam laudem defuisse ; quod ad naturale illud ingenii bonum institutio etiam Academica accessisset.

Multos cognovimus, viros quidem bonos & eruditos, qui ita sese literarum studiis abdiderunt, ut nihil inde ad communem hominum fructum offerre potuerint : At *Woodwardus* noster, cùm vitam civibus suis quàm maximè fructuosam atque utilem degisset, eandem quoque curam vel moriens non dimisit ; sed quò patriæ plurimum etiam in morte prodesset, studiosè prospexit. Hoc consilio armaria ista præclara, a curiosis tantopere celebrata, omnique Fossilium genere referta, immensam quan-

dam

dam studiorum & scientiæ supellectilem, nobis testamento legavit: quodque in vita carissimum habuerat, illud nobis conservandum, nostræ fidei ac tutelæ mandandum curavit: Thesaurum, vel Regum gazis anteferendum; quippe qui nec auro redimi, nec pretio comparari, nec nisi summo studio & industriâ hominis tum eruditi, tum divitis, atque in illo uno & operam & pecuniam etiam omnem collocantis conquiri & colligi poterat. Et quò ad publicos demum usus, quibus ille unicè studuerat, promptior paratiorque hic rerum thesaurus esset; Custodem ei atque Interpretem, qui Fossilium præcipuè scientiam Juventuti Academicæ explicaret, stipendio amplo & liberali instructum constituit.

Hoc quàm præclarum Academiæ nostræ ornamentum, quod in nullâ aliâ Academiâ reperitur? Quàm præclarum pariter de disciplinâ nostrâ ac virtute testimonium, quod *Woodwardi* iudicio gravissimo confirmatur? Nos enim ille optimos scientiarum custodes; Religionis propugnatores; Mosis defensores, suâ certè sententiâ declaravit, qui nostras potissimum in manus defensionis ejus instrumenta tradenda esse voluit. Nec honorificè minus de nobis etiam exteri existimabunt, cùm *Woodwardum* audierint, nos rerum sibi carissimarum conservatores, famæ & nominis tutores, bonorum hæredes delegisse.

Nostrum

Nostrium modò erit, Academici, hominis tantopere de nobis meriti iudicio servire, voluntati obtemperare, hominumque expectationi satisfacere. Ut *Woodwarda* enim gloriosum fuit, tantam nobis eruditionis materiem comparasse ac reliquisse; sic nobis sanè turpissimum erit, quod ab alterius virtute accepimus, illud nostrâ ornare ac tueri non posse. Sed meliora de vobis augurari licet; ex hoc enim tam celebri ordinum omnium concursu studium planè vestrum ardoremque agnosco; agnosco, inquam, verum illud Atheniensium veterum ingenium, novi semper aliquid cognoscendi audiendique avidum.

Animos hominum, cùm e corporibus ex-
efferint, remanere tamen & æternos esse,
magnum ex illo argumentum petiere veteres,
quod optimum quemque, immortalitatis amore
flagrantem, futura semper prospicere, & po-
steritati maximè servire vidissent: Naturâ
quasi ex optimis istis ingeniis significante,
esse aliquid, quod ad nos etiam post mor-
tem pertineat. Et Tu quoque, Præstantissime
Woodwarda, novum quoddam huic argumento,
nec leve illud quidem, tuæ auctoritas pondus
adjecisti; quem eadem viâ, ac veteres illos He-
roas posteritati serviendo, hominesque juvando
ad cælum atque immortalitatem contendisse
vidimus. Et dum beatorum in sedibus debita
virtuti tuæ præmia percipis; si quis in mortuis
resideat

resideat rerum humanarum sensus, ad gaudia ista, quibus jam perfrueris, hoc certè, quasi cumulus quidam, accedet, quòd quæ in publica patriæ commoda tantâ cum sapientiâ excogitâras, effectum jam suum obtinere, atque ad exitum perducere sentias: Quod hanc optimorum juvenum frequentiam, hunc doctissimorum hominum coetum, Tui nominis auctoritate, Tuique imitatione excitatum, ad virtutem artesque bonas propagandas tanto studio convenisse videas.

Quæ verò, Academici, de *Woodwarda* dixi, siquis me gloriose nimis & adulatorie dixisse arbitretur, propterea quod in virtutibus ejus celebrandis de vitiis prorsus tacuerim; is de mortuo me loqui meminerit. Vitia eum habuisse fatendum est; quibus neminem unquam mortalium caruisse cognovimus; illa verò cum in vitâ virtutum splendore obruerentur, post mortem sanè obliterari penitus debent. Nam si de mortuis, uti aiunt, nil nisi bonum; de eo certè nihil aliud prædicandum, a cujus vel mortui liberalitate hæc tanta beneficia accepimus; de eo, inquam, qui non benignitati suæ eosdem ac vitæ terminos esse voluit; neque mortem ipsam benefaciendi sibi potestatem præripere passus est.

Sed de mortuo hætenus: Ad vivos jam sese conferat Oratio.

Frustra

Frustra enim tali erga nos animo; frustra tantâ in hanc Academiam benevolentîâ fuisset *Woodwardus*; ni alios etiam sui similes, eodem animo, eâdem benevolentîâ post se reliquisset, Testamenti hæredes, voluntatis exequendæ curatores. Frustra, inquam, hæc tam liberaliter tum in nos tum in patriam ipsam consilia suscepisset, ni alios vivus delegisset, qui se mortuo consiliis suis vim effectumque darent, nec spes quidem eum, opinioque de hominibus concepta fefellit. Illi enim, quod traditum sibi commissumque habuerant, magnè licèt cum labore & molestiâ conjunctum, summâ in mortuum pietate, summâ in nos benignitate, summâ fide ac diligentîâ absolverunt, & ad finem tandem destinatum perduxerunt. Hos igitur viros, officii licèt conscientîâ contentos, nec laudem ullam plaufumve captantes, at nostrâ, at virtutis ipsius causâ cum honore nominare, debitisque laudibus celebrare debemus.

Imprimis igitur honoris gratiâ commemorandus vir Prænobilis & Honoratus *Dixieus Windfor*; non tam nobilitate, quâ tamen maximâ floret, quàm virtute propriâ conspicuus: quem in hac Musarum sede multos annos ita versantem vidimus, ut Nobilibus, modestiæ, humanitatis, facilitatis, & vel Infimis, diligentîæ, officii, legumque nostrarum observantiæ exemplum semper proponeretur.

Ad

Ad publicum autem Britanniae Concilium missus ab hoc municipio, per annos plusquam viginti Legatus, tum in Academia, tum in universi populi negotiis commodisque tuendis eam fidem, gravitatem, constantiam adhibuit, ut non apud nos solum, sed per Angliam totam fama ejus clara & illustris pervagaret. *Woodwardo* igitur de Cantabrigia nostra ac Patria simul ornanda cogitanti, Hunc certè hominem si non privata amicitia, at publica civium vox auctoritasque socium adiutoremque dedissent.

Præfuit simul huic negotio vir illustris & liberalis *Hugo Bethel*; qui in exteras terras proficiscendo, variosque hominum mores contemplando, ea prudentiae & humanitatis fundamenta jecit; ea generosae indolis ornamenta domum reduxit; ut Civem sese egregium, Patriae amantem, communis libertatis vindicem in Senatu etiam Britannico cum magna sua laude præstiterit. Hunc igitur virum tantis & animi, & fortunæ bonis instructum; fide præstantem; literis politioribus ornatum; in Academia augenda, Artiumque studiis promovendis meritò sibi *Woodwardus* Consiliarium esse voluit.

Eodem etiam nomine celebrandus, vir itidem ingenuus, ingenuisque artibus præditus, *Richardus Grabam*; qui hujus olim Academiae alumnus, nihil sibi unquam antiquius, nihil

magis in votis habuit, quàm quò in Almam Matrem filium sese pium gratumque ostenderet; itaque non in mortui solum voluntate exequenda fidum eum ac diligentem, sed viventi etiam *Woodwardo* auctorem hortatoremque assiduum cognovi, ut eam omnino voluntatem fusciperet; utque eximiam illam rerum suarum collectionem in hac potissimum Academia, tanquam in loco maximè conspicuo dignoque, collocaret.

Postremò non minori tamen cum laude nominandus *Richardus King*; qui miles licet, & in armis enutritus, in quibus Tribunatus honorem peradolescens meruerat, ita tamen Musis, studiisque humanioribus deditus est, ut miseram luminum orbitatem, quam in expeditione olim pro patria suscepta passus erat, his jam unicè sustentet. In hoc autem munere instituendo, hæc ei propria quædam, & præcipua laus debetur, quòd cum suo ipsius damno virum sese bonum atque Academiæ nostræ amantem ostenderit; quòd officium lucro, pietatem quæstui anteposuerit: cùm enim a *Woodwardo*, cui omnium amicitia conjunctissimus vixerat, bonorum, siquid residui esset fructuumque intermediarum hæres is solus institueretur; at quanto magis ex rei conficiendæ mora fructus sibi accrescerent, tanto ille diligentius rem ipsam conficiendam, & ad exitum perducendam curavit: &, quasi cavendum sibi statuisset, ne quidquam omnino præter amicitia

tiæ carissimæ memoriâ ex Hæreditate ista ad se perveniret, sepulchrum Amico mortuo martorem splendidumque proprio consilio propriisque sumptibus exstrui, ac in Templo Westminsterienâ collocari jussit.

Hoc igitur *Woodwardi* nostri prudentiæ & judicii perpetuum certè spécimen extabit; quod tales sibi viros ad consilia sua exequenda delegerit, quos vel mortuo fidem persoluturos cognovit; hoc perpetuum pariter illorum virtutis, & integritatis testimonium; quod tam religiosè opinionem ejus responderint, fidem absolverint. Illi igitur post *Woodwardum*, ad sempiternam rei memoriâ in Annalibus nostris inscribantur, Academiæ hujus Fautores, Amici, Patroni:

Mè verò quod attinet, Academici, ipse nonnullis Fortunæ procellis jactatus, in hoc Academiæ otio, tanquam in portu, tutum semper atque honestum simul perfugium inveni: Vos enim, cum certorum hominum invidia indignè olim vexarer, novum in hac Academia Protobibliothecarii munus eodem decreto instituis, & ad me detulistis: publico illo judicii vestri testimonio significantes, & quid de me judicaretis & quid aliis etiam judicandum præscriberetis. Jam verò vestra auctoritas quàm latè pateat videtis: quippe dignissimi illi *Woodwardi* Hæredes, vestro exemplo commoti, vestrumque factum imitati, novum hocce Phy-

ficæ explicandæ munus haud citius ex *Woodwardi* testamento constituendum, quàm ad me ultrò deferendum curârunt.

Utinam modò Munus ipsum vel personæ studiisque meis accommodatius, vel ipse tali ingenio essem ut ad quælibet faciliè studia meipsum accommodare & convertere possem : quicquid autem in me ingenii fuerit, illud omne in hac, quam nactus sum, provincia ornanda & tuenda me collocaturum polliceor : quam quidem si aut viribus majorem aut vitæ rationi molestam demum reperiarn, deponere statim atque alteri tradere statui : in hoc interea uno felix, mihiq; gratulans, quòd hac occasione oblata, tum celeberrimo *Woodwardo*, tum clarissimis viris Hæredibus ejus, pro summis eorum erga nos meritis, proque ea, quæ mihi præcipuè cum singulis intercessit, amicitia ; tum Almæ denique Matri, cujus amplitudinem, splendorem, dignitatem omnibus meis commodis antepono, hoc animi pii gratique officium, hoc, quantulumcunque est, laudis verè meritæ præconium, mihi publicè præstare ac persolvere contigit.

DE

LATINARUM LITERARUM

PRONUNCIATIONE

DISSERTATIO.

B 3

INSTITUTUM LITTERARUM

PROFUNDIATIONE

DISSEMINATIO

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De Latinarum Literarum Pronunciatione Differtatio.

Consideranti mihi sæpenumero diversam illam, quæ apud diversas gentes obtinet, latinæ linguæ pronuntiandæ rationem, opus ille, non tam sibi jucundum, quam studiosis utile suscepturus videretur, qui verum priscumque latinarum vocum sonum exquirere & revocare conabitur.

Quis enim non videt propter hanc, quæ in hisce præsertim Regionibus invaluerit, pronuntiandi varietatem & licentiam, viros doctos latine inter se colloquentes vix sese mutuò intelligere, nec sine labore quodam & molestia, verborum quam maximè familiarium sensus percipere posse.

Ipse quidem cum apud exteras gentes versarer, parum certè seu nihil potius commodi ex sermonis latini usu hauriendum animadverti; & ni linguarum etiam hodierno usu florentium subsidium mihi aliquod comparâssem, caruissem maximo illo quidem & jucundissimo itinerum meorum fructu, quem ex hominum literatorum colloquiis & consuetudine familiari percepi.

Sensi enim viros, alioqui eruditos politosque, ob hoc ipsum latinæ locutionis incommodum peregrinantium sæpe congressus fugere; ni

Gallicâ eos Italicâve linguâ uti posse intelligerent: cum enim linguam quisque latinam eodem plane modo ac patrium sermonem enuntiat, sequitur fanè, ut ne latine quidem loquentis verba sensusque intelligere queamus, ni linguam simul ejusdem vernaculam & gentilitiam teneamus.

Erasmus se adfuisse olim commemorat cum die quodam solenni complures Principum Legati ad Maximilianum Imperatorem salutandi causa advenissent, singulosque, Gallum, Germanum, Danum, Scotum, &c. orationem latinam ita barbarè ac vaste pronuntiasse, ut Italis quibusdam, nil nisi risum moverent, qui eos non latinè, sed sua quemque lingua, locutos jurassent.

Sin autem verus unquam nativusque literarum priscarum sonus revocari ac restitui, certaue aliqua pronuntiandi regula constitui omnibus posset; non hisce modo malis remedium nobis paratum esset linguasque alias perdiscendi labor viris doctis minueretur, sed lingua ipsa latina ad cæteras etiam omnes rectè & gramma-ticè pronuntiandas tanquam exemplar & norma quædam proponeretur.

Sed contra omnino, & præposterè fanè hac in re fieri videmus, tantum enim abest ut ad linguæ latinæ normam regulamque, cæteræ, quæ nunc in usu sunt, reducantur omnes & corrigantur, ut cæterarum potius omnium vicia,

tia, sonosque barbaros in eam jam transferri cernamus.

Ex omnibus autem, apud quos latini sermonis usus adhuc aliquis restat, prima emendatæ locutionis laus Italis certè debetur : Itali vero proximam Anglis deferunt : rectè sæcuse alii judicent ; quoniam ipse pro patriæ caritate iudex fortasse minùs æquus existimarer : de Italici ratio certe ipsa evincit, homines illos, quorum in sermone non vocum latinarum vestigia solum, sed voces ipsæ, & vera quasi latinitas eluceant, unà cum vocibus a majoribus acceptis sonos etiam antiquos quam maxime retinuisse : idque cunctorum certè experientia confirmabit, ostendetque illud omne quod Italici pronuntiationis proprium, atque a reliquis linguis diversum videtur, non nisi a Romanorum veterum usu ac sermone esse derivatum ; uti pluribus infra exemplis perspicuum fiet.

Elaborarunt olim hac in causa viri sane magni Erasmus, Lipsius, atque e nostris Chekus, Smithusque ; quorum hi ad Græcæ potissimum linguæ, illi ad latinæ sese pronuntiationem non sine magna doctrinæ ingeniique laude applicaverunt : omnium autem maxime Erasmus ; qui proprio Marte, nulloque præeunte, rem obscuram ac reconditam princeps explicare aggressus est, atque in hac disputatione, ut in aliis omnibus, sæculi sui tenebras barbariemque debellare, priscamque literarum & artium

artium elegantiam revocare conatus est : Lip-
sius autem vix aliud mea quidem sententia fe-
cisse videtur, ac Erasmi libellum, absque ulla
ejus mentione, compilasse. Ab illis vero scri-
ptoribus etsi plurima ingeniose atque erudite
disputata sint, nonnulla tamen deesse, multa
dubiè, quædam etiam falso posita animadverti;
idque hac in causa accidisse, quod in cæteris
plerisque solet, ut mortalium nemini detur rem
invenisse simul & perfecisse.

Quippe multa jam nobis suppetunt argumenti
hujus explicandi subsidia, quibus illi carebant;
eruta scilicet post illa tempora antiquitatis om-
nis monumenta; & magnæ illæ inscriptionum
veterum moles, quæ collectæ simul, librisque
pervulgatæ in publicum jam omnibus propo-
nuntur: e quibus melius longe, opinor, quam
ex ipsis grammaticis, prisca latinarum vocum
pronunciatio erui ac elici potest: literarum enim
inter se permutationes, quas in inscriptionibus
persæpe videmus, promiscuusque nonnullarum
usus, maxime vero sculptorum in Orthogra-
phiæ leges peccantium errores germanam ea-
rum vim sonumque indicare plane videntur.

Romanis enim idem certe contigisse cognovi-
mus, quod nobis fere quotidie contingit; Mar-
morarios scilicet istos, quibus lapidum inscri-
bendorum cura commissâ fuerit, Orthographiæ
regulas ignorantes, errores idcirco fœdos in
verbis sæpe describendis admisisse, quos etsi
verba

verba minus recte, at verum verborum sonum, alienis licet literis, secutos esse ac dedisse constat: exempli gratia; si quis sonum literæ X, a Græcis acceptæ, investigare voluerit, in inscriptionibus eam antiquis nonnunquam per c & s expressam & permutatam videbit, ut in vicis; lucserunt. [...] quibus in verbis etsi litera ipsa non appareat, vis tamen ejus plene expressa reperietur: atque eodem modo in cæteris ex literarum, quarum vis cognita est, permutatione illarum, de quibus dubitamus, nativum sonum elicere valebimus.

Itaque dum Grammatici veteres literarum singularum sonos, quod certe difficile est, verbis describere atque exprimere laborant; marmora interea vetera sonum ipsum fictum quasi ac formatum ante oculos ponunt. Hac igitur via insistendum, atque inscriptionum veterum ope literarum sonos exquirendos mihi atque indicandos proposui. In singulis vero describendis, eas omnes prætermittere visum est, quæ nihil in se singulare vel notatu dignum contineant, & in eis solum illustrandis consistere, quæ in sonos alienos delapsæ, atque a veterum usu detortæ videntur.

Primum igitur de vocalium pronunciatione, ex qua syllabarum vis omnis, sonusque pendent, quid statuendum sit videamus.

Ore contracto, magis quam par est, efferimus,

A.

mus, quam tamen *riſſu patulo* proferendam Grammatici veteres docent: [a] idque de Græcorum etiam A confirmat *Diomyſus Halicarnaffeus* [b] qui ex vocalibus longis eam sonantiſſimam eſſe ſcribit, proferrique ore quam maxime dilatato, ſpirituque cælum verſus ſublato. Atque hoc modo Itali eam Gallique hodie efferunt; Romanosque etiam idem olim feciſſe conſtat; nam in marmoribus antiquis ad A interdum V vocalem contra Orthographiæ leges adjunctam, ut AVROMATARIVS. [Grut. 636. 7] ARCHILAVOS. [ib. 582. 6.] & pro A longâ duplicem perſæpe poſitam videmus, ut PAASTORES [150. 7] FAATO [1046. 6] &c. quæ omnia non niſi ſoni dilatationem quandam ſignificare videntur. FAATO NAATAM. Fabrett. 421.

- E. Vocalis ſonum diſtincte & accurate explicare difficilius videtur: Italos ego, uti noſtros etiam, recte eam proferre cenſeo in vocibus, aſcendo, ventus &c. Gallos vero peſſime, qui iſdem in locis eam ad ſonum A dilatare ſolent.
- I. Sonum habuit medium quendam & communem cum ſuperiori E. Hoc Grammatici tradunt; confirmatque Quinſtilianus, [e] qui T. Livium Sibe & Quaſe pro Sibi & Quaſi uti ſolere dicit. Neque ullarum toties in inſcriptionibus

[a] Marius Viſtorinus de enuntiatione iterarum.

[b]

[c] Gruter. 636. 7. 582. 6.

[d] Ib. 150. 7. 1046. 6.

[e] l. i. c. 7.

antiquis, quoties harum inter se vocalium permutatio reperitur, ut TETVLVS SACREIFICIVM BENIVOLENTIA CAMINA [a] atque hinc mihi verisimile videtur Romanos veteres eundem huic vocali sonum attribuisse atque Itali hodie, nec alium ac nos per duplicem E exprimimus in Street, See. &c. quod ex hisce præsertim vocibus apparet. DIANA. SPOLIA. EXEAT. CAVEAS. quas ita sæpe scriptas reperio. DEANA. SPOLEA. EXSIAT. CAVIAS. [b] in quibus eum fere sonum quem dixi expressum videmus.

Latini veteres I longam per EI Græcorum diphthongum scribebant : quem scribendi morem a Grammaticis memoratum plurimæ nobis adhuc inscriptiones conservant, ut CEIVIS. EITVR. IPSEIVS. QVEI. [c] neque aliter Græci in Romanis nominibus, ut ANTΩNEINOC. ΦATCTEINA. [d] Utrumque enim idem planè sonuisse ex epistola quadam Ciceronis ad Pætum [e] colligere possumus ; in qua de verbis, quæ obscœna habebantur, ludens, cum loquimur, inquit, terni, nihil flagitii dicimus, at cum bini, obscœnum est ; alludens scilicet ad Græcam vocem βίβεϊ, ut Græci vero I longam per EI. ita latini EI Græcorum quandoque

[a] Vid. Gruter. 1061. 6. 328. 1. 443. 6. 47. 10.

[b] Vid. ib. 39. 4. 7. Cenotaph. Pisan. 755. 1. 629.

1. ult. [c] Gruter. 206. 1. 171. 8. 541. 7.

[d] Inscript. Florent. 375.

[e] Epist. 1. 9. 22.

per E productam, quandoque per I scribebant, ut ΝεῖλⓈ Nilus. ΕπικυρεῖⓈ Epicureus, quæ in voce I tamen pro E posita interdum legitur: Epicurius. [a] quod sonum utrisque persimilem fuisse demonstrat. ARIA: Fab. 153.

Lipsius dicit solos Europæorum Britannos hanc vocalem recte proferre, [b] at omnium potius meo iudicio pessimè, atque a veterum more remotissime, uti ex pronuntiatione vocum nostrarum Mind. Bind. &c. cum superioribus collata apparebit.

Nec minus quidem barbarè nostri literam I, cum consonantis loco ponitur, efferunt; qui pro ea semper G pronunciant, ut magestas, gecit. quam pronuntiandi rationem Romanis penitus ignotam fuisse existimo, qui eam ita in Majorca, Iuno, Iecit efferebant, uti nos Y consonantem in York, You, Yes. I, inquit Priscianus [c] modo pro simplici, modo pro duplici accipitur consonante; pro simplici, quando in principio dictionis ab ea incipit syllaba subsequente vocali ut Iuno: pro duplici, quando in medio dictionis ab ea incipit syllaba post vocalem, ut Majus, Pejus, ubi antiqui solebant geminare I & scribere Maiius Peiius: quod non aliter pronuntiari posset, quam si cum priori syllaba prior I, cum posteriori

[a] Aldi Orthograph. p. 10.

[b] De rec. pronunciat. lin. lat. c. 8.

[c] L. 1. c. de literar. numero.

altera proferetur Pei-ius. atque ita Pompei-ius; cujus genitivus per tria I scribebatur. Quæ Prisciani verba sonum illum mollem dulcemque I consonantis, quem modo indicavi, designare planè videtur, nempe eundem prorsus quo Itali hodie easdem voces efferunt.

Eundem olim sonum habuisse apud veteres Romanos atque hodie apud Italos, Græcæ scilicet diphthongi *ov*, certissimum est. Quippe ita eam in marmoribus antiquis per sæpe scriptam & expressam videmus, ut *LOVGET. IOV-SIT. INDOVCEBAMVS. OB INIOVRIAS IOVDICATI.* [a] idque Grammatici etiam omnes confirmant [b]. nec Græci eam aliter in Romanis nominibus, ac per *ov* scribunt, ut *IOTAIOC. AOTKIOC. &c.* [c] atque hinc apud Suidam *Κρυωσσο* Curiosus.

V.

At de V consonantis sono haud inter doctos constare video: Erasmus Lipsiusque [d] eam per nostram W proferendam censent, ut *Winum, Wultus.* idque variis argumentis probare conantur; nec aliam omnino vim Æolico Digamma attribuunt, cui hanc literam successisse Grammatici tradunt. At Priscianus contra [e] *Æolicum Digamma eandem vim ac Græ-*

[a] Grut. 1055. 1. 171. 8. 499. 12. 204.

[b] Mar. Victorin. l. 1. Priscian. l. 1. de num. lit.

[c] Inscrip. Florent. p. 51. 22.

[d] Erasmi. de recte pronuntiat. p. 168. Lips. c. 12.

[e] Ib. vid. etiam Mar. Victorin. l. 1. de Orthograph.

corum Φ , seu Latinarum PH, vel F habuisse confirmat; postea vero placuisse Latinis ejus loco V consonantem adhibere, qui cognatione soni videbatur affinis esse. Quibus verbis hanc consonantem non alium apud veteres, atque apud nos hodie, sonum obtinuisse ostenditur.

Miratur autem Erasmus literas hasce F & V consonantem ob tantam soni affinitatem nusquam inter se commutas reperiri: at Jo. Tertullium memorasse scribit, [a] se inscriptionem veterem Romæ vidisse, in qua FIXIT. pro VIXIT. bis positam legisset. Atque in multis aliis inter Romana nomina animadverti. FICTORIA. FICTORIANVS. FICARIVS. FARVS. [b] quæ ab eodem fonte profluxisse videntur.

At hanc literam cum B plerumque permutatam cernimus. Ut BIXIT. VIBVS, OCTABIANVS. OVVIOLARIT. [c] Ista vero cum litera B affinitus a sono nostræ W. quam maximè aliena videtur. Neque illud omnino verisimile est, ejusmodi sonum Romanis unquam familiarem fuisse, cujus nullum prorsus apud Italos, sed apud gentes solummodo remotas & barbaras, vestigium remanserit. CVVICVLO. IVVEO. Fabrett. Inscrit. Ant. p. 102. VNIBERSIS. ib.

[a] Jo. Tortel. Orthograph. de litera. F. fol. 4. ib. 172.

[b] Grut. 643. 6. 886. 15. 911. 17. 757. 9.

[c] Grut. 334. 2. 757. 1. Inscr. Flor. p. 172. 145.

VICTORIAE CONIVGI. 630. FICTORIA. 240.
BICTORIA. 274.

Hæc vero, quæ de vocalium pronuntiatione disputata sunt, de sono earum generali ac communi dicta intelligantur : quippe apud veteres, uti apud nos hodie, easdem vocales, non eandem semper vim in cunctis æquè locis obtinuisse liquet ; neque in syllabis breviter celeriterque enuntiandis sonus cujusque proprius distincte & accurate proferri ac exprimi poterat : atque hinc fit, ut in inscriptionibus antiquis omnium fere vocalium, utcunque inter se dissimilium, permutationes usumque promiscuum in ejusmodi locis inveniamus. Ut. MONO. MONI. MONUMENTVM. HERCO. HERCVLES. PIGNE PIGNORA. OPTV. OPTIMVS. [a]

Diphthongos quod attinet, nomen ipsum naturam earum indicat : videlicet, cum binæ vocales in eadem syllabâ coeuntes sono quodam duplici, sed mixto & in unum quasi conflato, proferuntur ; ita tamen ut utriusque etiam vim percipere queamus. Ejusmodi vero sonus cum non nisi difficulter, nec sine oris labore quodam accurate exprimi poterat ; usus hominum communis, in mollitiem semper deliciasque delabens, illum ita paulatim emollivit, ut diphthongos demum ad vocalium simplicium gradum revo-

[a] Grut. 946. 6 : 608. 2 : 6. 2 : 1052. 10 : 329.

VOL. IV.

C

caverit.

Æ.

caverit. Atque hinc in diphthongo Æ. omiſſa altera vocali A. & pro nihilo habitâ, in altera E Romanos olim conſtitiffe, eamque unice expreſſiſſe reperio; quod marmora antiqua demonſtrant, in quibus diphthongus hæcce cum E vocali promiſcuè ubique uſurpata & commutata, tum in longis, tum brevibus etiam Syllabis occurrit, ut ÆIVS. ÆXTÆRV. VENÆRI. EDIFICIVM. EGYPTVS. PRETORIVM. [b] Undè ſonum utriuſque ſimilem ſeu eundem potius fuiſſe perſpicuum eſt. Sculptores enim, ut ſupra dixi, orthographiæ ignaros, non niſi aurium iudicium, ſonique rationem in verbis deſcribendis ſecutos eſſe neceſſe eſt.

CONIVGIS SVE. [Camera ed Iſcrizioni ſepolchral. Inf. 182.]

FILIAE QVE VIXIT. Inſcrip. Florent. p. 178.

Q.

Hæc diphthongus per OI antiquitus ſcribebatur, & utrovis modo cum V vocali confunde-
batur: ut COIRAVIT. COERAVIT. CVRAVIT.
OIT. OET. VTILE. [c] Huius autem affinitatis ratio explicatu mihi difficilis videtur: eumque ſcribendi morem apud priſcos ſolummodo Romanos obtinuiſſe, ac obſoleviſſe poſtea conſtat. Hanc enim diphthongum eodem modo ac ſuperiorem tractari, atque ad ſonum ſimplicem

[b] Grut. 542. 2: 756. 3: Lipſ. de pronunt. Gr. 1053. 2: 376. 3: 28. 5:

[c] Ib. 39. 8: 100. 8: 499. 12.

vocalis

vocalis E redigi tandem reperio. Pro qua in inscriptionibus persæpè posita occurrit. Ut EPHOEBVS. FOELIX. PROSCOENIVM [d] quibus in verbis propter E longam, sonumque adeo ejus minime dubium, sculptor in iis licet scribendis peccare, in sonandis tamen nullo modo poterat.

Præterea diphthongos hæc Æ & OE. alteram pro altera nonnunquam positas cernimus, ut in familiarum nominibus. CAE. & COELIA. CAE. & COERANVS, CAE. & COESONIVS [e] ex quibus patet, apud Romanos olim, uti apud nos hodie, haud alium utramque sonum ac vocalem E habuisse.

De reliquis diphthongis parum mihi lucis ex inscriptionibus antiquis suppeditatur: eas autem ab Italis recte pronuntiari censeo, qui ita efferunt, ut utriusque vocalis vis percipi clare & distingui possit.

Diphthongo sonum illi tribuunt latorem, crassiolemque quam nostra lingua agnoscit, ejus vero non absimilem, quem in verbo nostro *oye* exprimimus; præsertim si rusticorum more, ac si per a scriptum esset, pronuntiaretur, nos certe hanc diphthongum mollius, quam par est, & ore nimis contracto efferimus. Galli vero

AVI

[d] 689. 4 : 273. 6 : 168. 10 :

[e] 52. 6 : 670. 8 : 240. 122 : 351. 3 : 372. 3 : 372.

C 2

omnium

omnium pessimè, qui ei semper sonum vocalis O adjungunt.

EV. Haud male a nobis pronuntiari existimo, in vocibus latinis Euge, neuter &c. in nostris shew. lewd. &c.

Æ. Conjugi sue Julie Longine Fabrett. 83, sine ulla litæ. 95.

Glæba & Gleba promiscuè scribitur in antiquissimo Cod. Virgil. medico quem ipse vidi Norr, 431.

C. Ante vocales A. O. V. eundem olim sonum habuisse ac hodie habet certissimum est: qualem autem ante reliquas E & I, diphthongosque AE. OE. EV. habuerit, haud ita convenit. Angli illam, Gallique etiam, haud ab S. distinguunt. in Coena. Cæsar. Ceres, Cinis &c. at in iisdem Itali, quod Romanos etiam fecisse olim existimo, eum huic literæ sonum tribuunt, quod nos *ch* efferimus, in vocibus nostris Cheek; Cherry, Cheap &c. itaque pronuntiant Cicero, uti nos Chichester; Chicheley, &c. ita tamen ac si ante C, cum in medio vocis sequatur vocalem, litera T. leviter admodum & subobscurè sonanda interponeretur. Ut Citcero, Chitcheester. quam pronuntiandi rationem expressisse planè sculptor quidam videtur, qui in inscriptione veteri contra orthographiæ regulas T ante C interposuit in nomine Vrbiccius. [f]

[f] Grut. 1059. 3.

Hanc

Hanc autem Itolorum consuetudinem Lipsius prorsus deridet, literamque C eandem prorsus vim ac K ante omnes pariter vocales obtinuisse contendit. [g] At virum doctum, Germanorum suorum sonis nimis faventem, hoc in loco, uti alias sæpè errasse constat. Nam etsi K ante vocales A. O. V. pro C. persæpe scripta reperitur. Ut. Karcer. Kos. Kujus. &c. [b] ante reliquas tamen nusquam ita positam animadverti; ex quo utrumque illud probari videtur, tum literas hæc eandem plane vim nonnullis in locis, tum diversam quandam in aliis habuisse; atque hinc in Carcer. primam C cum K commutatam videmus, at secundam non item. In inscriptionibus vero antiquis litera hæc ante I in medio vocis sequente altera vocali, nunquam, ut dixi, cum K, sæpissime tamen cum T commutata cernitur. Ut Domicius. Palacium. Fabritius. Fetialis. Condicio. [i] cujus quidem permutationis in literis tam inter se potestate dissimilibus nulla certe ratio reddi posset; ni utræque iis in locis positæ sonum quandam tum inter se consimilem, tum diversum ab eo quem alibi obtinerent, habuissent. Nunquam enim aut earum permutatio aut soni affinitas aliqua cernitur, nisi ante I sequente altera vocali. Quo in loco quum T. sonuisse ut Ts infra ostendetur, sequitur plane C sonum ei per-

[g] Lips. de Pronunt. lin. lat. c. 13.

[b] Grut. 80. 5. 607. 1.

[i] Ib. 689. 9: 232. l. 10: 101. 5: 457. 2: Ald. Orthog. p. 295.

similem habuisse, nec alium quidem ac quem supra indicavi, quemque Itali hodie illi iisdem in locis assignant. Constanciae. Fabrett. 102. dictionem. 169. condicio. 378. solacium. 421. negociantur. cenot. Pis. p. 301. Namicius. ifius. 151. II. v. 55.

- G. Hanc literam omnes eodem modo efferunt ante A.O.V. ante ceteras vocales diphthongo sive mollius ea quiddam apud Romanos olim, uti apud nos hodie, sonuisse videtur; contra omnino ac Lipsius disputat; qui hanc omnibus consonantibus regulam generalem constituit, videlicet eas eundem semper atque unicum solummodo cunctis æquè in locis sonum obtinere; contenditque adeo G aliam nusquam habere vim ac quam in voce lego. [k]

At in marmoribus vetustissimis, cum jam litera hæcce nondum inventa ac inter latinas recepta esset, C pro ea usurpatam videmus; ut in Duilliana illa LECIONES. CARTACINIENSIS. &c. [l] Et in multis etiam aliis ante vocales E & I. eam pro G positam animadverti. Ut MACESTERIVM. PRIMICENIVS. [m] quibus in locis cum literam C molliorem quendam sonum, ut apud Itales, quem nos per ch exprimimus, obtinuisse probavi, sequitur plane G etiam sonum itidem mollem & consimilem habuisse;

[k] Ib. c. 14.

[l] Grut. 404. i.

[m] 1065.

eundem, opinor, quem Itali jam, nostrique etiam in verbis legio, magistratus illi attribuunt.

Cum literam G in medio dictionis sequatur GN. N. ut magnus. Itali alteram ei N in pronuntiando præponunt, atque I vocalem utrisque subjiciunt; deinde ipsi G subobscurum admodum sonum tribuentes, ita vocem ipsum efferunt ac si scriberetur Mang-nius vel Mannius. Quod Romanis etiam antiquis in usu fuisse perspicuum est: nam in vetustis quibusdam inscriptionibus, quo sonus iste melius exprimeretur, I post GN. interpositam nonnunquam animadverti, ut MAGNIO [n] ABIEGNIEAS. [o]

Id vero a Græcorum consuetudine profluxisse liquet, quos literæ Γ sequente altera Γ vel Χ, Κ, Ξ. sonum literæ N tribuisse cognovimus; ut ΑΓΓΕΛΟC. ΕΓΧΕΙΡΙΔΙΟΝ. ΑΝΑΓΚΗ. ΦΩΓΞ. Angelus. Enchiridium. Sphinx. atque hinc in inscriptionibus Græcis ejusmodi verba cum N interdum interposita scribi videmus. ut. ΑΝΑΝΚΗ. ΕΠΑΝΓΕΛΛΑΜΕΝΟC. [p] quam consuetudinem latinos etiam secutos esse Victorinus ostendit; [q] qui pro Agger Anger; Suggestum, Sungestum; Ancilia, Agcilia scribi oportere censet. Atque hanc denique pronuntiandi dulcedinem significare mihi

[n] Inscript. Florent. bis. [o] Gr. 207. [p] Inscript. Florent. p. 22. l. 16. [q] Mar. Victorin. l. 1. de Orthograp.

Cicero videtur. Erant, inquit, [r] noti, navi, nari; quibus cum IN præponi oporteret, dulcius visum est ignoti, ignavi, ignari dicere.

MAGNIO. MAGNIVS. MAGNIA &c. Fabrett. Inscr. an. p. 14. 249. 254. 292.

H. Non tam literam quam aspirationis notam seu signum literæ validius intentiusque proferendæ a grammaticis existimari video. Scribit Cicero, [r] veteres Romanos ea nusquam nisi in vocali usos itaque locutos esse, ut pulcros; cetegos; triumphos; Kartaginem dicerent. Quam consuetudinem cum ipse aliquandiu secutus esset, propter aurium tamen voluptatem se repudiasse tandem ac populo reliquisse dicit; fatetur autem nonnullis in vocibus vel aurium ipsarum iudicio fervari eam debere, ut in orcvios. oto- nes. sepulcra. lacrymas. Populum vero in hisce aurium deliciis, sonorumque differentiis dijudicandis haud ita delicatum atque elegantem fuisse constat: sed cum usus hominum, ut dixi, ad partem molliorem semper facilioremque delabitur, aspiratio hæcce ob molestum quandam vocis intensionem negligi paulatim et tam in vocalibus quam consonantibus nihili tandem haberi, cœpta est. Quippe in inscriptionibus antiquis eam sæpissimè tum in verborum initiis prætermisam, tum e mediis syllabis ejectam reperiō. Ut Omo. Onestus. Eres. Tratia. Eleu-

[r] Orator. p. 265.

terus.

terus. Eutycus. Aduc. Agatopus. Cyato. Trep-
to. &c. [s] Sepulchr. de ser. 40. 46. At aliis
contra in locis adjectam eam supervacaneè &
contra orthographia leges interpositam sæpe vi-
demus, ubi nullam omnino vim habuerit ne-
cesse est. Ut. Heridanus. Hillyricum. Horiun-
dus. Hornamentis. Amynthas. Ponthes, Pro-
thesilaus, &c. [t] ex quibus omnibus Erasmi
sententia minùs mihi firma videtur, qui TH
eo semper sono efferri oportere disputat quo nos
in voce nostra *Theif* utimur; [u] apparetque
potius, aspirationem hancce parvam admodum
seu nullam prorsus soni intentionem in usu Ro-
manorum communi vel vocalibus vel consonan-
tibus adjecisse quæ loquendi consuetudo a Ro-
manis ad Italos derivata omnem jam tandem
aspirationem e lingua prorsus Italica extermi-
navit. Anthiocus. Fabrett. p. 40. The-Teontas.
30. chorona. 123. Thyranno, 166. Tæodora.
341.

Literam prorsus supervacaneam esse gram- K.
matici omnes fatentur, quippe nullam omnino
vim sibi propriam aut a litera C diversam ob-
tinet: nonnulli tradunt eam ante vocalem A
propriè ac unice adhiberi solere ut. Kalendæ
Karthago: at ejusmodi distinctio parum mihi
certa aut stabilis videtur, neque ullum ei locum,

[s] 588. 9. 427. 1: 521. 7: 402. 4: Inscript. Flor.
p. 26. it. 29. it. 406. it. 431. Grut. 1056. 1. 302. 2.

[t] Grut. 52. 12: 396. 1: 529. 7: 451. 6: 914.
6: 150. 7:

[u] de pronuntiati. lin. lat. &c. p. 157.
sonumve

sonumve peculiarem a veteribus assignatum reperio : in inscriptionibus antiquis pro C, ut supra ostendi, persæpe posita occurrit. ut *Karus. 333. 9. Kaput. 214. Kos. 607. 1. Kujus. &c.*

PH. Eundem olim sonum habuisse ac F. inscriptiones veteres confirmant, in quibus alterum pro altero promiscue adhiberi cernimus. ut *AMFION. TRIVMFVS. PRIDELIS. [x]*

Q. In literarum supervacanearum numero a grammaticis habetur. K & Q. inquit Priscianus, *[y] quamvis figura & nomine videantur aliquam habere differentiam, cum C tamen eandem tum in sono vocum quam in metro continent potestatem.* Existimabatur olim vim literarum C & V conjunctam possidere, ideoque nonnulli QIS QAE. QRD. pro QVIS. QVAE scripserunt. *[z]* At eam cum V vulgò scribi videmus, nec aliter omnino sonare ac C. cum qua eam persæpe commutatam ac promiscue usurpatam reperimus. ut *ACVA. CVO. AQVITVR. MEQVM. PEQVNYIA. [a] CVOTTIDIE. Fabrett. 272.*

T. Ante I sequente etiam altera vocali. uti in *IVSTITIA* pronuntiatur ab Italis, tanquam TS, vel TZ. quod Romanos etiam veteres factitasse Papirius quidam grammaticus tradit. *[b]* At

[x] Grut. 125. col. 5 : 285. 6 : 943. *[y]* I. 1. de nem. literar. *[z]* Vel. Longius de Orthograph. *[a]* Grut. 593. 5 : 786. 5 : 138. 817. 12. 102. I. 7. *[b]* Vid. Aldi Orthogr. p. 563.

hunc

hunc pronuntiandi morem Papiriumque item
ipsum vehementer irridet Lipsius, [c] neque
alium prorsus literæ T. hoc in loco ac in ce-
teris omnibus sonum tribui debere contendit.
Quicquid vero ille disputet, vel hoc uno mar-
more refutari existimo, in quo CRESCENTSIVS.
cum S post T ad sonum ejus plenius expri-
mendum interposita scribitur. [d] Illam autem
T, quia leviter tantum & subobscore, ut apud
Italos hodie, pronuntianda esset, prætermittam
alio in loco & per S solummodo repræsentatam
a sculptore cernimus. Ut VOLCASIVS. [e] Bo-
nifatæ. 299. Fabrett. amatus. amafius, 603.
comitius. icius. 617. Fabritio. Robertell. emend.
p. 46.

Loco CS, vel GS a Græcis inventam atque X.
a Latinis assumptum esse Priscianus docet:
[f] *qua carere potuimus*, inquit *Quintilianus*, [g]
ni quæsissemus.

Græcæ prorsus literæ sunt; nec a Latinis Y & Z.
usquam, uti grammatici tradunt, nisi in Græcis
quibusdam nomipibus usurpatæ. ut HYLAE.
ZEPHYRVS. &c. [h]

Omnes, qui de hac quæstione scripserunt, li-
teram Y (quæ a Græcis Upsilon dicitur) sonum

[c] de pronunt. lin. lat. c. 14. [d] Grut. 127. l. 1.

[e] Inscr. Flor. p. 400. [f] l. 1. de num. lit.

[g] l. 1. c. 4. [h] Max. Victorin. de lit.

vocalis V, Gallico more pronuntiatae habuisse contendunt; eundem scilicet, quem eidem nos vocali tribuimus in vocibus Duke, Flyte, Lute. Centyria. Fabrett. 175. Tyscia ib. Vyrginem. 53. Olumpus. 175.

Chekusque noster praesertim *lumen sonorum extinctum dicit, cum Y, uti semper apud nos, ad sonum I traducatur.* [i] Attamen ea nonnunquam cum I commutata in marmoribus antiquis invenitur, ut NIMPHIS. BYBLIOTHECA. [k] At multo saepius, cum V, Ut ILLVRICVM. SYRIA. CENTYRIA. SATYRNVS. [l] Quod Erasmi sententiam confirmare videtur, qui hanc litteram medium quiddam inter I & V Gallicam sonuisse existimat.

- Z. A Græcis accepta vice litterarum S & D apud Latinos fungebatur: *si assumpta non esset, inquit Max. Victorinus, [m] pro Mezentius, scriberemus Mesdentius.* Quam scribendi consuetudinem Doræ etiam inter Græcos secutos esse constat; qui pro μελιζειν dabant μελισδειν. Eos vero ut pro Z non σδ modo, sed δς etiam usurpasse cognovimus; ita Romanos etiam idem fecisse, idque ad Italos inde profluxisse verisimile est, qui hanc hodie litteram per ds semper efferunt.

[i] de lin. Gr. pronunt. p. 88.

[k] Grut. 36. 6:

475. 14. [l] ib. 297 : 27. 5 : 45. 13 : 422. 1.

[m] c. de lit.

BIBLIOTHECÆ
CANTABRIGIENSIS
ORDINANDÆ
METHODUS QUÆDAM;
QUAM DOMINO
PROCANCELLARIO
SENATUIQUE ACADEMICO
CONSIDERANDAM & PERFICIENDAM
OFFICII ET PIETATIS ERGO
PROPONIT.

BIBLIOTHECA

ANTHROPOLOGICA

ORDINATA

MATHIAS QUADAM

QUAM DOMINO

ROGANTIBUS

STANTIBUS ACADEMICIS

PROFESSORIBUS A RECTORIBUS

OFFICII PRAESIDENTIBUS

PROBANTIBUS

A
C
N
imp
pub
hoc
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fanc
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ind
effe

CELEBERRIMO DOCTISSIMOQUE

V I R O

ANDREÆ SNAPE, S.T.P.

COLLEGII REGALIS

P R Æ F E C T O,

E T

HUJUSCE ACADEMIÆ

PROCANCELLARIO,

CONYERS MIDDLETON,
S. P. D.

MITTOT ibi, Vir Dignissime, Tractatulum huncce de optima librorum collocandorum ratione; quem Tibi imprimis, Academicisque deinde omnibus in publicum ideo proponere statui, ne in torpido hocce Bibliothecæ nostræ statu, torpescere etiam Proto-Bibliothecarium vestrum crederetis; quumque a legum olim Interpretibus sancitum fuerit, quod scribere sit agere, ut legitimum quoddam haberem diligentiae meæ & industriæ testimonium: quicquid vero demum effecerim Tuo prorsus arbitrio dijudicandum relinquo;

DEDICATIO.

relinquo ; iudicium enim, non Muneris magis, quod geris, dignitate, quam Ingenii & Doctrinæ præcellentia vere Tuum est, Teque, et si Magistratum jam adire contigerit, Privatum tamen mihi omnium potissimum Consilii Autorem deligeram, Judicem peterem.

Inter tot vero, & tanta negotia, quæ Te jam totum occupant, Bibliothecam Publicam præcipue Tibi curæ fore certo scio ; cuius accurata quædam & recte ordinata dispositio ad Academiæ nostræ famam & splendorem maximi plane ponderis & momenti est ; cuiusque fructus omnes nemo Te vel melius noverit vel uberius perceperit ; Hæc nimirum, Fontium quorundam ad instar, qui lympham simul lumenque emittere dicuntur, Fons ille est, ex quo & Lucem & Pocula, quæ gestat manibus, haurit Alma Mater ; illa caliginem atque ignorantiae tenebras dispellens ; hisce plenos scientiæ haustus Juventuti Academicæ propinans : Sive Armamentarium Illa Academiæ dici potius mereatur ; unde Tela Filiis suis, uniuscujusque viribus accommodata distribuit Alma Mater ; quæque non nisi summo gaudio in Doctrinæ, Ecclesiæ, & Religionis hostes tam feliciter toties a suis, atque a Te præcipue haud dudum torqueri viderit.

Hanc autem Bibliothecam tam illustrem, tamque Principis Munificentissimi beneficio auctam atque instructam pudet plane ab omni
Ufu

Uſu literario ſemotam, atque a ſtudiis noſtris concluſam tam diu jacere; Advenis tantum ſpectaculum, noſtris deſiderium; quamque Tantalī ad inſtar ſitientes intuemur, neque ſummis tamen labris guſtare valeamus: Tuum vero eſt, Vir Doctiſſime, ad Uſus illam deſtinatos, ad bonas literas, bonosque mores promovendos educere tandem atque accommodare; Tuum eſt locorum hæſce anguſtias amplificare; Ædificationem inchoatam abſolvere; librosque, tanquam Coloniam aliquam, in novas ſedes deducere, lociſque ſuis collocare: opus quidem perdifficile, atque in impeditis hiſce Academiae temporibus non niſi Tuis viribus & Tua conſtantia perficiendum: etenim Te, ſi recte noverim, non minaces Potentium vultus, vocesque; non malorum impendentium metus, non inſtantium terror ab inſtituto curſu deſlectet; ab Academiae tuendæ atque orandæ conſilio deterrebit.

Ut dicam autem libere quod ſentiam, quocunque noſmet vertamus, difficultatibus undique præmi, periculique plane obſeſſi eſſe videmur. Nonnulli dum Gradus Academicos conferendi facultatem a nobis quidem hæud auferre præ ſe ferant; nobiſcum tamen partiri, atque in commune frui ſibi vendicant; Gradus, inquam, non tam nomine, quam re & natura ſua vere Academicos; in mediis ſcilicet Academicis natos, ipſarumque omnino cauſa inventos atque excogitados; ut quibus in locis Doc-

trinæ potissimum studia florerent, in iis Doctrina etiam ipsa cum dignitate aliqua, & insignibus quibusdam honesta esset. Alii interea, Doctores creandi jus nobis licet integrum permittant; de Doctoratu tamen dejicere, de Senatu nostro deturbare, suo nisi arbitrato & consensu haud patiuntur: rerumque adeo Academicarum Cognitionum & Judicium ad forum
***** av-cant: Quorum conatus ni repellere tandem ac propulsare valuerimus, lethale quoddam vulnus huic nostræ Academiæ infligatur necesse est.

Nil autem Te Duce desperandum est; nil nisi lætum, faustumque nobis augurari fas est: præclara enim Vox illa Tua, Te Academiæ causa carcerem; Te vincla lubenter subiturum; quantam excitaverit in bonis omnibus fortitudinem, quantam spem, quantum Tui amorem? Quippe Tu ad Rempublicam nostram ex eo jam accedis Collegio, quod singularia sua Privilegia singulari semper vigilantia conservavit, constantia defendit; quodque Præfecti sibi eligendi jus, a jactis usque mœnium suorum fundamentis concessum simul & abreptum summa sua fortitudine recuperavit, atque e Regiis pœne manibus extorsit; Virtutisque suæ fructus, Te tandem Præsides, jam uberrimos percipit: Tu, inquam, iis moribus, ea disciplina institutus, quæ exoletæ revocare, quæ vel amissa recuperare noverit; quidni nostra facile jura omnia tueare; jura scilicet, a primis rerum
nostra-

D E D I C A T I O.

51

nostrarum initiis concessa; perpetuo usu confirmata; legibus Angliæ munita?

In nebulosa itaque hacce Cœli nostri facie, Academia tamen serio gratulandum est, talem ei obtigisse Gubernatorem, qui tempestates omnes noverit seu perite declinare, seu prudenter moderari, seu fortiter resistere; neque Tibi ipsi, Vir Reverende, gratulari etiam minus liceat, Magistratum Tuum in ea incidisse tempora, quæ tantos tibi gloriæ atque laudis, quantos nobis ex Tua vigilantia felicitatis fructus allatura sint; quæ scilicet Te totum, qualis sis, patefacient; virtutes tuas omnes exproment, atque in lucem proferent; ut admirentur nobiscum omnes necesse sit summam illam Tuam in rebus nostris defendendis Fortitudinem, in administrandis Prudentiam, in emendandis Virtutem.

Si quid vero adversi nobis evenerit; si nonnullorum tandem invidiæ, temporibusque cedere cogamur; una restat adhuc damna nobis refarciendi, & vulnera sanandi via: dum Alii scilicet in nos & studia nostra inquirere, dum mores nostros ad examen revocare, atque in judicium sistere minentur; Nos ipsi potius in nosmet sedulo inquireamus; Nobismet ipsis Censores, nobismet Judices simus; Statutis nostris religiose insistendo pios, probos, severos; Studiis diligenter incumbendo doctos, eruditos, claros nosmet efficiamus: Alii honoris Titu-

DEDICATIO.

los, Doctoratumque ipsum artibus haudquaquam Academicis foras sibi quærant; Nos non nisi Liberali Doctrinæ, Probatæ Industriæ, Spectatæ Fidei honores nostros deferamus: Alii Ecclesiæ Beneficia, Dignitatesque occupent; Nos mereamur: Alii virtutis præmia, nos virtutem tamen teneamus: hisce armis, atque hac innocentia nostra muniti inimicorum facile impetus repellemus, vires frangemus; Maledicis silentium, Malevolis pudorem offundemus.

Hæ Tibi, Vir Amplissime, gubernandi erunt artes; hæc Tui Magistratus laus & gloria; hanc Majorum disciplinam, hos antiquos mores Autoritate Tua restituere; Exemplo confirmare; Decretis stabilire. *Vale.*

2

duplex Firularum corpus

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B 2



3

B. Bibliotheca Vetus armarijs
quæ Clases vocamus, instruc

B2. Bibliotheca Veteris pars alia
in Clases etiam distributa; quoniam reliquis angustior & solum Publicarum in fronte posita diruendam, atque in formam quod Schema exhibet, amplificandam decreverit Academia.

B R Bibliotheca Regia; in quam illud quadratum ad sinistram clusi jam servantur libri omnes Rege donati, quibus recipiendi Armaria, seu Clases, ex utraque clavis parte, ut in Veteri Bibliotheca, constructa sunt; perpetuum terea et duplex quoddam Forum Corpus utrinque libros excipiens mediam domum secant, pariterque a solo usque ad tectum per decem tabulata exsurgit; hanc libros omnes capere nequamque lent, quorum pars insuper magni adhuc confusa jacet.

S Senaculum, seu Domus ut dicitur gationis; quæ post absolutam electionem (quam sedulo jam urgemus) theca adjungenda est, cujus demum quadratum perfectamque efficitur.

Conclave
Caij versus

BIBLIOTHECÆ
CANTABRIGIENSIS
ORDINANDÆ
METHODUS.

POSTQUAM Senatui Academico *novum Proto-Bibliothecarii munus* eodem decreto instituere simul & ad me deferre visum est; ne collati temere beneficii infamiam *Gravissimo Ordini* inurerem, statui illico omni studio, opera, viribusque meis eniti, ut tam honorifico vitæ meæ studiorumque testimonio aliquatenus responderem, & tanto hoc, tamque insperato prorsus honore memet haud indignum præstarem; utque omnibus præterea ostenderem, munus ipsum non *mei solius*, sed *Bibliothecæ* omnino causa, non (quod susurrari audiebam) pro *gratia*, qua in Academia florui, sed pro *rei ipsius necessitate* esse institutum. Quum igitur ex *præsenti Bibliothecæ publicæ statu* otii mihi aliquid temporisque dari viderem, id statim arripui, atque ad ea penitus studia contuli, quæ *Bibliothecarii propria* existimantur, quæque in *ipsius Bibliothecæ* fructum redundare aliquando poterint. *Surgentia* vero jam *Theatri mænia* quum libros versandi, utendique spem haud longinquam præbere videantur; ne in me negligentiae aliquid aut moræ crimen resideret;

quicquid mihi *de re Bibliothecaria* cogitanti unquam vel legenti occurrerat, scriptis mandandum, cumque amicis communicandum duxi, ut aliquid inde in publica Academiæ commoda decerpi forsitan possit: utque rebus iis omnibus, quæ ad *Bibliothecæ instructionem, ornatumque* pertineant, mature perpensis atque accurate constitutis, Bibliothecarii sese alacres præscripta ad munia accingerent, neque loca *libris accipiendis* paratiora, quam *eis occupandis* libri repirentur: etenim dum tanto apparatu, tantisque sumptibus honesta libris domicilia, dignæque sedes extruantur, turpe plane esset si hisce Academiæ studiis *Bibliothecarii* minus responderent, avidisque bonorum omnium votis moræ aliquid *a se* interjici paterentur.

In hisce vero, quæ de *Bibliothecæ ordinanda ratione* disputaturus sum, etsi nihil novi aut eximii esse satis scio, spero tamen admoneri inde atque excitari posse eruditos, ut Studiorum & cogitationum partem aliquam huc conferant, & si quid in hoc genere consilii habeant, id candide & libere impertiant: cum enim *ex egregia Regis liberalitate* tanta Bibliothecæ nostræ facta sit accessio, ut alias ubique omnes (quarum Indices scilicet impressos viderim) cum librorum numero, tum *præstantia, delectuque* facile superet, illam certe omnibus numeris absolutam, omnibus modis ornatam, illustremque efficere debemus, ut huic tandem Academiæ non minus apud externos gloriæ, quam domi fructus afferre valeat.

Quæ

Quæ vero dicenda sint ut facilius clariusque intelligantur, *Schema quoddam* adjunxi, interio-rem Bibliothecæ formam (qualis absoluta tandem ædificatione futura sit) etsi minus forsan exacte, ad rem tamen nostram satis apte referens.

Comparata itaque cum nobis sit tanta libro-
rum omnium supellex ; quod jam proximum
est, eos *collocandi, disponendique* methodus ali-
qua excogitanda est, qua in *justam, pulchram-
que Bibliothecam* exstrui ac ædificari possint :
librorum enim quantuscunque numerus *sine or-
dine* congestus haud magis *Bibliothecæ*, quam
lapidum illa ad nos advectorum moles *Theatri*
nomen mereatur, donec *arte quadam & certo*
ordine dispositi perfectam tandem structuram
efficiant : *artem* vero *illam Aristoteles* invenisse,
Regesque Ægyptios primus docuisse fertur [a] :
Quo scilicet magistro *immensam illam Bibliote-
cam & in toto terrarum Orbe* celeberrimam in-
struxerunt : ab illo utique Authore *Bibliothecarii*
Ordinis inventio requiri quasi de jure po-
terat, cujus unius Scripta (ut Hieronymus
de Origene postea tradidit) *Bibliothecam vel im-
plere* valuerint : libros etenim *idonee collocare*
majoris esse prudentiæ videtur, quam *conge-
rere* ; hoc enim solius *pecuniæ*, illud non nisi
ingenii vi perficitur ; hoc *divitem* tantum,
illud *doctum* postulat ; Quodque *Plinius* [b] de
orationis structura dixit, ad librorum etiam
structuram æque pertinet : *invenire præclare in-*

[a] Strabo. l. xiii.

[b] Ep. l. iii. 13.

terdum etiam barbari solent, disponere apte nisi erudit-
tis negatum est : neque minus propterea Aristoteli
debere videantur Bibliothecæ, quam Alexander
ille magnus ; quem dicere solitum accepimus,
*Se a Philippo patre corpus tantum habuisse, ab Ari-
stotele animum.*——Non opus est singula percur-
rere, quæ de Bibliothecæ instruendæ ratione a
Viris doctis commemorata unquam ac tradita
fuerint ; sufficit enim dicere, librorum juxta
facultates, ut aiunt, *dispositionem*, seu *Ordinem*
quem *Classicum* vocamus, ex omnibus mihi
unice placere. Etenim *Ordo* cum nihil aliud
sit, quam rei uniuscujusque *in suo loco collocatio*,
quid aptius aut perfectius excogitari potest,
quam hujusmodi librorum distributio, qua sci-
licet in *Classibus propriis*, haud secus ac in *fami-
liis*, is singulis assignetur locus, qui *ætati, dig-
nati, & muneris rationi* maxime convenit ? &
quum in animis hominum erudiendis librorum
omnis usus versetur, iste certe *ordo* præponen-
dus omnibus est, qui huic potissimum fini ac-
commodetur ; qui scilicet eruditionis aliquid in
se non *contineat* modo, sed *doceat* ; quemque
vel intuendo doctiores evadere valeamus : ex
hac enim librorum colloctione *Disciplinarum*
omnium *mutuam* inter se *connexionem* ; ex hac
*scientiarum ortus, incrementa, varios casus, inte-
ritus, instaurationes* ; ex hac, inquam, *historiam*
quandam literariam a primis retro seculis, ad
nostra usque tempora deductum, *sola fere Ordi-
nis contemplatione* colligere & perdiscere liceat :
quodque Cicero [a] de *Ordine* generatim posuit,

[a] De Orat. l. ii.

de hoc præcipue *Bibliothecario Ordine* verissimum est; *memoriæ scilicet eum quam maxime lumen afferre*; atque *ad libros* itidem transferre liceat, quod de *sententiis, verbisque Oratoriis* idem ille *summus Magister* docuit: illis [a] scilicet *nec fructum nec splendorem inesse nisi diligenter collocatis*: hinc præterea *Authorum* in quavis disciplina *Principum facilis notitia, facilisque ad eos aditus* patet, quibus semel comparatis dimidium certe viæ, laborisque in omni studiorum genere confici videtur, τὸ δὲ μανθάνειν ῥαδίως ἢδὲ φέρει πᾶσιν ἐστίν [b]. Hæc itaque tot, tantaque nullo fane labore, atque uno quasi temporis momento edificere jucundissimum sit oportet. De hujus autem *Ordinis ratione* atque instituenti methodo pluribus deinceps agam, ejusque *imaginem quandam, seu tabellam*, ut potero, adumbrare conabor.

Nollem tamen tam *superstitiosam* institui librorum in *proprias Classes* distributionem, quin illorum *formæ* simul & *magnitudinis* ratio aliqua sit habenda: in *librariæ* enim supellectilis, haud secus ac *domesticæ* dispositione, etsi *usus* præcipue spectari, nonnihil tamen *elegantiae* etiam tribui debet: librorum autem *maxime inæqualium* conjunctio, tanquam *Gigantis* cum *Pumilione* commissio, deformis plane videtur, & aspectu ridicula. Quum vero *Bibliothecæ nostræ foruli* per *sex* quasi *tabulata*, variis voluminum

[a] Orator,

[b] Aristot.

formis

formis accommodata, *duabus* hinc inde *alis* in altum sint exstructi; hujusmodi omnis offensio vitari facile poterit, si ejusdem facultatis, diversæ tamen magnitudinis libri per *varios hosce forulos* pro inæqualitatis ratione distribuuntur.

Forulorum autem (quoniam mentio jam inciderit) *divisionem* immutari paululum vellem: etenim cum *unica* jam illorum *ala* (adjunctis eis, qui sub fenestris positi sunt) *distinctum quoddam Corpus*, seu *Armarium* conficiat, quod *Classam* improprie nominamus, & majuscula aliqua Alphabeti litera distinguimus; dum ejusdem *area pars altera*, seu forulorum *ala opposita* ad *aliam* omnino *Classam* pertineat (ut a. b. c. d.) vitandæ jam confusionis gratia, quam ista sæpe peperit distributio, vellem fane, ut *tota illa area*, quæ (ad formam literæ H dimidiatæ) *forulis* sub fenestra positis, *duabusque hinc inde alis* constet, *unicam* tantum *Classam* conficiat, *unica* Alphabeti *litera* distinguendam; utque idem forulorum numerus & forma ex adverfa Conclavis parte litera Alphabeti proxima designentur (ut A. B. C. D.) quosque ejusdem argumenti libros A continere nequeat, B excipiat. Quoniam denique librorum novorum accessione crescat indies, augeaturque Bibliotheca necesse sit; ut nulla inde Ordinis perturbatio consequatur, locum aliquem libris istis adventitiis, sive emptis, sive dono acceptis dicatum velim, ubi reponi aliquandiu, & singulis demum annis, seu sex mensibus in Catalogum adscribi, &

in

in Classes suas distribui possint : quibusque tandem recipiendis spatii aliquid in singulis librorum forulis vacuum relinqui conveniat.

Hæc vero ut recte omnia instituamus, commisceantur omnino oportet *Utriusque Bibliothecæ* (Regiæ scilicet & veteris) libri : harum enim perpetua disjunctio magnam certe confusionem & multa incommoda pareret ; librique inde minus cum *ad usum prompte*, tum *ad aspectum venuste* disponderentur, in quibus omnibus Bibliothecarum laus, utilitasque consistere videntur ; atque *ejusdem* non solum *facultatis*, *ejusdemque Authoris* libri, sed *ejusdem* etiam libri *partes* ex variis diffitisque hinc inde locis quærendi sæpe colligendique essent : ipsiusque adeo Bibliothecæ splendor, dignitasque diminuerentur, quæ *distractis*, *disjunctis*que copiis minus fane illustris, minusque veneranda appareret ; collectis autem in unum viribus eruditos omnes admiratione quadam commoveret, dum incredibiles ejus in omni genere literarum opes *explicitis ordinibus* & *continua serie* exhibitas intuerentur. Siqui vero existiment libros omnes a *Serenissimo Rege* donatos ob celebriorem rei memoriam (quam fane & omni laude dignam judico, & sempiternam fore spero) *sejungi* semper a reliquis, *separatimque custodiri* oportere ; recordentur velim, huic aliunde satis esse provisum, ex *annua* scilicet *solennique Benefactorum nostrorum commemoratione*, qua cautum est ab Academia, ut grata tam insignis beneficii celebratio omni posteritati commendetur,

tur, ipso semper voluminum numero & pretio simul commemoratis : sin majorem adhuc diligentiam curamque postulare res tanta videatur, singula præterea volumina *gentilitiis Armorum Regionum insignibus* ornari atque a cæteris distinguui possint : ineptum autem ridendumque plane esset, si libros hosce ad literarum studia promovenda libere & absque ulla conditione datos, iniquis ipsimet conditionibus regulisque, usui, cui dicati erant, minime accommodis, subiceremus.

Videmus autem in Schemate adjuncto *loca quædam quadrata*, (1. 2. 3.) quæ quatuor illa *Bibliothecæ conclavia* connectunt inter se, communiaque & pervia reddunt : hæc, si quærat, quibus usibus destinari, qualique supellectile instrui velim, vix habeo quod respondeam ; illorum nempe forma & situs ratio efficiunt, ut neque in eadem Armaria, ac reliqua Bibliotheca, dividi omnino, neque Disciplinæ alicujus libris præcipue conservandis disponi commode possint : rem vero attentius consideranti aptissima tandem visa sunt rebus eis omnibus excipiendis, quæ *elegantia* magis sint quam *necessaria*, quæque ad *speciem* potius quam *utilitatem* Bibliothecæ pertineant : *Tabulas* velim *pietas*, *Signa*, *Statuas Græcorum Veterum & Romanorum* ; *Benefactorum* etiam *Doctorumque* omnium, qui *Academiam* fama, scriptisque suis illustraverint, quotquot comparari poterint *imagines*.

Stabunt

Stabunt olim hoc in loco *Illustres illi Viri*, quorum *præsidio Musæ jam nostræ efflorescunt*, quorumque *munificentia mænia nostra surgunt* : *stabit hic*, inquam *Marmoreus*, *Comes Ille noster Anglesensis*, (*mibi sane omnibus officiis prosequendus, laudibus celebrandus*) *cujus nomen huic nostræ Cantabrigiæ splendori semper decorique erit* ; *quam summa jam benevolentia fovet, beneficiis auget, moribus ornat* : *cui si propter merita in Almam Matrem (quæ maxima tamen extant) bonos iste minus deberetur* ; *at ingenium acre, at doctrina, qua præditus est, eximia in hoc certe Musarum sacrario præcipuum ei locum vendicaret.*

Hoc autem genus etfi *speciosum* magis, ut dictum est, quam *utile* cenferi soleat, ad *eruditionem* tamen haud parum valere, *Historiæque* potissimum inservire videtur ; dum quæ in libris passim memorantur, quæque ex omni antiquitate præclare gesta legimus, *memoriæ facile suggerat, oculique quasi subjiciat* : atque *hac propterea supellectile* omnes omnium gentium eruditi *Bibliothecas suas* ornare atque instruere consueverint ; æquum scilicet existimantes & rationi quam maxime congruens, quibus in locis *immortales doctorum animæ* perpetuo loquantur, in iis etiam *Corporum simulacra* quædam fingi atque asservari debere : Εγὼ δὲ, ὦ Νικόκλεις, ἡγοῦμαι μὲν εἶναι καλὰ μνημεῖα καὶ τὰς τῶν σωμάτων εἰκόνας. *Isocrat.* Ciceronem autem horum omnium *summopere studiosum* fuisse plurimæ

plurimæ ejus epistolæ demonstrant. Scribens enim ad Atticum Athenis commorantem, [f] *Hermæ tui Pentelici*, inquit, *jam nunc me admodum delectant: quare velim & eos & signa quam plurima, quam primumque mittas, maxime quæ tibi gymnasii, xystique videbuntur esse; nam in eo genere sic studio efferimur, ut abs te adjuvandi, ab aliis prope reprehendendi simus.* Et rursus, [g] *Signa Megarica, & Hermas vehementer expecto; quicquid ejusdem generis habebis dignum Academia quod tibi videbitur, ne dubitaris mittere, & arca nostræ confidito.* Arcam vero illam exhaussisse tandem, atque ex avida horum coemptione in ære plane alieno [b] fuisse videtur. Sed vix unquam apud optimos *Romæ veteris* scriptores *Bibliothecæ alicujus illustris* mentio incidat, quin & *statuas & imagines* ibi dicatas commemorari simul inveniamus: ut *Suetonius de Tiberio*: [i] *Scripta eorum*, inquit, *& imagines publicis Bibliothecis dedicavit.* Et *Plinius de Silij Italici villa*: [k] *Multum ubique librorum, multum statuarum, multum imaginum.* Hæc igitur Bibliothecarum omnium tam propria, atque his præcipue locis tam apta esse ornamenta videntur, ut sine *Academiæ dedecore* quodam & reprehensione desiderari plane nequeant. Hic insuper, si videbitur, *antiqua Numismata, Sigilla, Annuli & quicquid vel naturæ vel artis rarum* habeatur, in loculamentis, nidulisque apte dispositis condi

[f] L. i. Ep. 8. [g] Ibid. Ep. 9. [b] Ad Fam. I. vii. 27. [i] C. 70. [k] L. iiii. Ep. 13.

omnia & reponi possint. Hæc denique loca
sellis, mensis, rebusque aliis omnibus instructa
 vellem, quæ doctorum hominum *congressus* ibi
 & *colloquia* quam maxime provocent, qui viro-
 rum ex omni gente ac ætate principum *corona*
quadam cincti, *locique reverentia* permoti nihil
abjectum aut *humile* cogitare audebunt, sed
æmulatione potius accensi Veterum Illorum glo-
 riam scriptis factisque exæquare conabuntur :
locorum enim admonitu, inquit Cicero, [*I*] *acrius &*
attentius de claris viris cogitare solemus. Ro-
 gandi igitur, atque omnibus modis exorandi
 sunt viri ubique eruditi, qui literarum Studiis,
 atque huic præcipue Academiæ faveant, ut hu-
 juscemodi aliquid ex Museis suis ad Bibliothecæ
 Publicæ ornatum & splendorem conferant ; cu-
 jus beneficii memoriam, quibus par est, gra-
 tiis celebrandam atque omni posteritati traden-
 dam curabimus.

Conclave autem illud, quod a cæteris sejun-
 gi, atque ultra reliqua ædificii latera *Caii versus*
 in longum excurrere videmus, *librorum MSS*
Bibliotheca fit, focoque iis ab humore noxio
 conservandis apto instructum : quod cum quin-
 quaginta circiter pedes longum & viginti sep-
 tem latum sit, huic usui accommodum satis
 videtur. In hoc etiam (Bibliothecæ utpote
 vestibulo proximum) Bibliothecarii quotidiano
 munere fungentes, sese recipere, advenas ex-

[*I*] De fin. l. v.

pectare,

pectare, omnibusque Bibliothecæ occasionibus præsto esse possint : Sin autem MSS Codicum receptui ob lucis inopiam aliamve quamlibet causam minus tandem aptum reperiatur, ii tum in iisdem armariis, ac libri impressi, reponi commode possint, *valvulis* autem *clavibusque* (ut apud *Trinitonienses*) a vulgari usu seclusi & in tuto collocati.

Libris vero pulchro tandem ordine dispositis, sequitur jam *Catalogi conficiendi* cura ; res sane magni momenti, multique sudoris : non temere enim eum atque oscitanter institui (quotidianorum Catalogorum ad instar, ubi multa omissa, & confusa omnia videamus) sed diligenter & accurate describi velim ; ut *Bibliotheca illa*, cujus notitiam sit exhibiturus, dignus plane reperiatur : in *Catalogo* autem recte instituto uniuscujusque libri *historiolam* quandam requirimus, quæ singula ad eum dignoscendum atque a cæteris omnibus distinguendum necessaria quam breviter, quamque dilucide exponat ; unde præter *Authoris*, *Editoris*, *Interpretis* nomina, uno simul intuitu pateat, de *quo argumento* & *qua lingua* fuerit scriptus, *quo loco*, *anno*, *quaque voluminis forma* impressus : addito præterea (ut nonnullis placet) *quo Typographo*, *quo Characteris genere*, *quotaque editione* prodierit. *Catalogi construendi* methodum quod attinet, *Ordo librorum Classicus*, *Authorumque Alphabeticus* mihi longe commodissimi videntur ; ad perfecti vero *Catalogi* constructionem ambobus certe

conjunctis opus est : illo scilicet, ut usibus, quos supra attigi, inserviat ; hoc, ut libri, quem quærimus, Classẽ, locumque demonstret ; in quo usus ejus præcipue consistere videtur : illo, inquam, ut illustris, perfectæque Bibliothecæ eleganti Ordine dispositæ ideam pulchram exhibeat ; hoc, ut *Indicis* illi officium præstet. Hujusmodi igitur *duplicem Catalogum* non describi modo, sed in publica literarum commoda *Typis etiam mandari* vellem ; ut locupletissimæ Bibliothecæ fructus cum viris omnium gentium eruditis candide & ingenue communicemus : insignium enim Catalogorum editiones maximum Orbi literato emolumentum, maximum literarum studiis incitandis, promovendis, perficiendis adjumentum afferunt ; omnisque ex hisce sane fontibus haurienda est *rei librariæ notitia* ; quam, a nostris nimis etsi neglectam, haud in infimo tamen eruditionis gradu ponendam arbitror : *scire enim* (ut doctus quidam [m] monuit) *ubi aliquid possis invenire, magna pars eruditionis est.*

Catalogorum autem idem plane munus est in *Republica literaria*, quod in *Romana* fuit olim *Nomenclatorum* ; indicant enim *Doctrinæ Candidatis* nomina illorum, quos *præfere*, quos *colere*, quorumque *ope uti* oporteat, ut honores, quos ambiunt, consequi possint : quamque propterea jucundæ, quam doctis omnibus desideratissimæ illorum prodeant impressiones, eruditorum ubi-

[m] Schultetus delic. Evang.

que scripta, epistolæque abunde testantur. Nescio (inquit [n] Coringius) qua arcana voluptate vel soli tituli librorum mulceant ingenuos quosque Philomatheis animos. Et Jos. Scaliger ad Gruterum [o]: Indicem Bibliothecæ vestræ sedulo legi: locupletior est, & meliorum librorum quam Vaticana; itaque voluptati fuit legisse. Horum igitur plures sane impressos videremus, ni sumptus, laborque in iis edendis pæne infinitus obstarent: etenim hoc si quis vulgare quiddam, effectu facile, nec multæ industriæ opus existimaverit; hospes plane in re libraria sit oportet, nec in hujus generis Authoribus versatus; qui uno omnes ore, summam rei difficultatem prædicant. Mich. Mattaire, Vir sane doctissimus, auctorque gravissimus: Quisquis, inquit, [p] hujusmodi operis sategerit, ei non tantum multum tædii & laboris devorandum, pertinax adhibenda industria, sed minime vulgaris conferenda ad hoc propositum in evolvendis libris, iisque (quotquot hac spectant) omnibus examinandis exercitatio. Frustra id aggrediuntur, qui titulo tenus duntaxat sapiunt, &c. Author Systematis Bibliothecæ Jesuiticæ Parisiensis, Catalogum, inquit, tam numerosum typis edere, infiniti est laboris, immodicæque impensæ: hisque se a Catalogi editione deterritum fuisse innuit. Coringius itidem [q] Indiotis Bibliothecæ Augustæ deponendam omnino

[n] De Bibliotheca August. p. 5.

[o] De Biblioth.

Heidelberg.

[p] Præf. Annal. Typogr. Vol. II.

[q] Ibid. p. 43.

expectationem monet, tanquam rem effectu non difficillimam duntaxat sed impossibilem. Tho. Hyde Bibliothecæ Bodleianæ Præfatus in Catalogi istius editione se novennium integrum non sine summa industria contrivisse profitetur; qui tamen Alphabeticæ tantum constructus est, dimidiamque librorum nostrorum partem haud multum exuperat: post novennales autem hosce labores negligentiae tandem reprehensionem Vir doctus efugere nequit, quasi opus quoddam imperfectum & minus utile ediderat, propter omissum scilicet, quem diximus, Classicum librorum Catalogum. Bailletus enim (eruditus & ille quidem Bibliothecarius) illa ipsa, inquit, [r] quæ Thomæ Hyde arrisit methodus, ut ad studiorum utilitatem minus necessaria, ita nec sola debuit adesse, sed posterior, cui priorem argumentorum sive rerum Ordinem, utpote longe utiliorem præmitti oportere nemo non intelligit: hæc oportuit facere & illa non omittere.

In libris porro evoluendis, ac in proprias Classes distribuendis, ii omnes notari & colligi a Bibliothecariis debent quorum bina vel plura occurrant ejusdem editionis Exemplaria; quibus scilicet vendicis demum aut commutatis, alii facile omnes, quos in disciplina aliqua maxime desideremus, pecunia inde confecta comparari. Bibliothecæ defectus suppleri, Catalogusque adeo auctior & perfectior fieri possit. In hoc vero

[r] Præf. Biblioth. Lamonianæ.

toto opere perficiendo me nullam unquam laboris partem, quam mei ferre humeri valeant, declinaturum polliceor : quod de *Bibliothecario* itidem *altero*, viro quidem *industrio*, confirmare ausim : mihi tamen deplorata plane tota res esset, utpote *utriusque longe vires* exuperans ; nisi in *ea* essemus *Academia*, in qua prompta nobis parataque sint tanta doctorum hominum auxilia ; quos ad oneris hujusce societatem & partitionem quandam advocatos strenue nos consilio, studio, opera adjuturos esse confido.

Consuetudinem illam quod attinet, libros impressos e *Bibliotheca Publica* promendi, atque ad cubicula sua asportandi, a quibusdam reprehensam quidem ; integram tamen Academicis conservari vellem ; utpote Bibliothecarum institutioni imprimis consentaneam, studiorumque rationi longe commodissimam ; quæ a publicis semper locis abhorrent, atque otium & secessum omnino requirunt : librique hoc modo non nisi *fœnori dati* magnas sæpe *Bibliothecæ* præstant *usuras*, novorumque librorum fructum ei quendam & incrementum haud raro pariunt : ex hac vero librorum promendorum facultate nonnullos omnino eximi oportet, qui privati nequaquam usus esse, sed communes omnibus in *Bibliotheca* perpetuo servari debent : ut *Dictionaria*, *Indices*, *Repertoria*, *Bibliothecæ Authorum seu Facultatum*, *Thesauri Antiquitatum*, *Rymeri Fœdera*, *Biblia etiam Polyglotta*, &c. totumque illud genus, quod prout studiorum ratio postulet, consulere

consulere potius quam perlegere opus sit : libros denique a Studiosis ita desumptos *legibus* ad hanc rem constitutis prorsus subjici, atque ad *certum, definitumque tempus* restitui necesse est, ut videre tandem poterint *Bibliothecarii*, nequid inde damni capiat Bibliotheca. *Manuscriptorum autem Codicum* alia plane ratio est, omnesque, quos noverim, Bibliothecarum Instructores quam diligentissime eos custodiri & vix ultra ipsos *Bibliothecæ limites* evagari debere censuerunt ; judicantes scilicet, idque quidem sapienter, *pretiosissima hæc Bibliothecarum suarum ornamenta*, quam rarissime desiderari atque abesse oportere ; quorumque damnum refarciri nullo modo & compensari possit, quam paucissimis jacturæ casibus committi debere : hosce igitur libros etsi gravissima de causa e *Bibliothecæ manibus* exire nonnunquam paterer, nequaquam tamen abesse diutius, quam ipsa utendi causa & necessitas plane postularent : atque hæc *Codicum Manuscriptorum lex* a Majoribus accepta in hac nostra Academia *inviolata* semper obtinuit.

Quidam tamen apud nos, *viginti fere Codices MSS. e Bibliotheca publica domum* sibi transtulit ; quorum aliquos *undecim*, alios *octo*, omnes autem *quinque ad minimum annos* sibi quasi proprios servavit ; atque inter alios celeberrimum illud *Evangeliorum Exemplar*, quod a *doctissimo Beza* dono olim acceperat Academia ; maximum plane *Bibliothecæ nostræ lumen*, clarissimumque *summæ vetustatis monumentum* ; quodque Ad-

venæ, Curiosique omnes unice ferme omnium videre & versare cupiunt: ejus tamen *septem* jam circiter annos non modo non utendi, sed ne conspiciendi quidem, nisi impetrata pius a *Viro* bona venia, copiam habuit Academia: etenim cogitat *Vir modestus* aliis demum omnibus persuadere, quod sibi jam diu habet persuasissimum, se *unum* esse in hac Academia, qui *Manuscriptos* libros evolvere dignus haberi mereatur. Huncce vero *Bezæ Codicem*, postquam repetitis nuntiis revocare frustra laborassem, ad Bibliothecam tandem paucis ante diebus, una cum reliquis illis supra memoratis, remittere dignatus est. Ex *Bibliotheca autem Eliensi* (quam dono vere Regio jam possidet Academia) libros itidem haud paucos, cum *Manuscriptos*, tum *per antiquarum* quosdam *Editionum* & melioris notæ impressos mutuo illum olim accepisse comperio; de quibus post tot annos restituendis *monitus* jam tandem cogitet velim, ne *per Judicem* illos me repetere cogat; etenim si hujusmodi libros *sine venia*, aut *cautione legitima* tam diu apud se detinere sibi *haud inonestum* putet, at mihi certe esset, si paterer.

Non mei jam instituti est ad minutias illas, nugasque descendere, quibus tam putide commorari sæpe soleant *Bibliothecariæ* rei scriptores; regulas scilicet *Bibliothecæ verrendæ* præscribendas, librorumque a pulvere & sordibus purgandorum præceptiones: hujusmodi etenim omnia *Ufus*, *Sensusque communis* expedire satis apte

apte & docere valeant : reliquum solum est, ut *Ordinis istius Classici* quem in librorum collocatione observandum omnino censeo, *tabellam quandam seu synopsis* exhibeam in varia Capita & Titulos pro rerum & argumentorum varietate distinctam. Nonnulli hujusce Artis Doctores, dum facilem, simplicemque quam maxime (naturæ quasi consentaneam) affectent viam ; ob sectionum, titulorumque paucitatem *perturbata omnia, vaga, minusque distincta* relinquunt : alii interea dum artem præcipue ostentare, ac *elaboratam quandam Ordinis rationem* instituere cogitent, confusionem illam, quam tollere præ se ferunt, nimia divisionum subtilitate & multiplicatione pariunt : hæc duo vitia, quantum potui, vitare studui ; collatisque inter se *haud paucis præstantissimarum Bibliothecarum Catalogis*, quicquid mihi recte in aliquo positum videbatur, transtuli statim & decerpfi ; quod autem in omnibus desiderari adhuc putabam, id pro meo ingenio explere, & perficere sum conatus : neque tamen stultus adeo sum laborum meorum æstimator, ut tam feliciter me omnia putem assequutum, ut nullus aliorum in hac causa studiis nullus *deutéreis*, ut aiunt, *φρονίσι* locus sit relictus ; fateor enim hisce me in literis *parum versatum, novitiumque* plane esse ; nihilque in animo habuisse antiquius, quam ut aliis perfectius aliquid, & ad rem nostram accommodatius excogitandi ansam præberem ; quod si fuero unquam consequutus, maximum me laboris mei fructum percepisse arbitrabor.

IN sequenti hacce *Librarii Ordinis* tabella *Jus* *Canonicum* a *Civili*, *Historiamque* itidem *sacram* a *Profana* secernendam duxi, ut quicquid ad *Theologiam*, remque omnino *Ecclesiasticam* pertineret, perpetua serie connexum sub uno aspectu caderet, unumque Corpus conficeret: *Historia* autem *Sacræ Profanæ* proxime subjeci, quippe etsi rerum, quas tractent, diversitate satis inter se distinguantur, ejusdem tamen quum generis sint, haud locorum intervallo ab invicem sejungi debeant.

Singularum *Nationum Historiis* subjungendos omnino censui *Antiquitatum*, *Inscriptionum*, *Numismatum* libros, *vitasque* *Hominum* in *unaqueque* illustrium; quæ propter argumenti affinitatem ad generalem Regni cujusvis *Historiam* explanandam & perficiendam quam plurimum valent.

Geographiam, contra ac plerique soleant, ad *finem Historicæ Classis* rejeci, *Historiæ* quasi *Appendicem*, eique illustrandæ, atque animo infingendæ potissimum inservientem; quam vero ipsam per se, nisi *degustata prius Historia* sive *sacra*, sive *profana*, haud cum voluptate, aut fructu aliquo attingere possumus.

Dictionaria & *Lexica* in *singulas Facultates*, seu *Classes*, ad quas pertinent, *singula* distribui, ut *Lexica Medica* in *Medicinam*; *Historica* in *Historiam* &c. quod commodius longe, & ad usum aptius

aptius judicavi, quam si tam varii, tamque diversi prorsus argumenti libros, qui nihil præter nomen inter se commune habeant, in *unum Lexicographorum titulum* omnes conjecissem.

Grammaticis & Linguarum Lexicis extremum inter literas humaniores locum assignavi; utpote quæ non nisi ex prius editis *Oratorum, Poetarum, &c.* libris confecta penitus & collecta fuerint: nihil enim est, quod *Natura* non primum invenerit; *Ars* deinde rei inventæ disciplinam quandam, regulasque effinxit.

Singulorum Authorum opera *utcunque varia & Miscellanea*, in unum collecta, simulque edita, nequaquam ab invicem distrahi vellem; omnia vero *præcipue* atque *illustrioris* alicujus partis (qua ipse maxime Author dignoscitur & celebratur) sortem & partitionem sequi debent: ut *Ciceronis opera omnia* in Oratoribus; *Plutarchi* in Biographis annumerentur.

Quæ vero tam *singularis*, tamque *inufitati* sint argumenti; quæve tantam *variorum, volantiumque*, ut aiunt, tractatum collectionem & farraginem complectentur, ut in *certam aliquam Classem* haud facile reduci queant; in unum omnia collecta *Classem quandam Miscellaneam* in extrema Bibliothecæ parte conficiant.

T H E O L O G I A.**BIBLIA.**

Polyglotta. Partesque Bibliorum polyglottæ.

Hebraica itidem, aliarumque linguar. Orient.
separatim.

Græca.

Latina.

In linguas vulgares translata.

Novum Testamentum, ejusque partes.

Concordantiæ, Lexica, Indices, Phrases, Sententiæ Biblicæ, &c.

BIBLIORUM EXPLANATORES.

Critici, qui varias lectiones, emendationes,
seu de Interpretationibus, Interpretibus,
& libris Canonicis scripserunt.

Glossatores, Scholiastæ, Paraphrastæ, Catena-
rum effectores.

Commentatores in Utrumque simul Testa-
mentum.

in Vetus solum ejusque partes.

in Novum ejusque partes.

Rabbinorum Commentarii, Quique de rebus
Judaicis scripserunt.

PATRES GRÆCI & LATINI.

Patres, Theologice Græci temporis ordine
dispositi; atque Illorum deinde tractatus
quorum tempora incerta.

Patres Latini ad finem 12^{mi} seculi, quo nata

est Schola; Scriptoresque iidem quorum tempora incerta.

Collectiones, Bibliothecæ, Thesauri, Auctaria,
Antiquæ lectiones, Spicilegia, Dogmata,
Sententiæ Patrum.

THEOLOGIA SCHOLASTICA.

Hujus Scriptores temporis ordine dispositi.

THEOLOGIA MORALIS.

Hujus Scriptores eodem ordine.

Casuum Conscientiæ Scriptores.

THEOLOGIA MYSTICA sive ASCETICA.

Qui de praxi virtutum in genere, & tota
vita Spirituali scribunt; deinde qui de sin-
gulis virtutibus.

Qui variis ætatis gradibus, aut vitæ condi-
tionibus regulas præscribunt; ut Pueris,
Adolescentibus, &c. Principibus, Epif-
copis, Conjugibus, Virginibus, &c.

Qui de cultu Dei & Divinarum Trinitatis
Personarum.

Qui de cultu Virginis, Angelorum, Sanc-
torum.

THEOLOGIA CONCIONATORIA.

Qui artem docent, quique materiam sub-
ministrant ex Scriptura, Patribus.

Qui conciones scripserunt per annum totum,
ejusve partes, quique miscellaneas edide-
runt &c. Concionatorum Bibliothecæ.

THEO-

THEOLOGIA POLEMICA.

Adversus omnes Christi Religionis hostes,
Atheos, Infideles.

Adversus Hæreticos.

Ecclesiæ Romanæ & Orientalis inter se contro-
versia.

Romanorum itidem & Reformationum cujus-
cunque nominis.

Romanorum inter seipsos.

Reformationum inter seipsos.

CONCILIA, JUS CANONICUM & PONTIFICIUM.

De Conciliis in genere, eorum forma, au-
toritate, omnibusque eo pertinentibus.

Conciliorum Generalium Collectiones.

Concilia Generalia separatim edita ordine
Chronologico.

Concilia Nationalia, Provincialia, ordine Re-
gionum & Urbium.

Canonum Collectiones; Corpus Juris Cano-
nici; Epistolæ decretales, Bullæ, &c.

Canonistæ, five Commentarii, tractatusque
generales & particulares Juris Canonici,
ordine Chronologico.

De Ecclesia, ejusque Hierarchia in genere;
de potestate Ecclesiast. & Civili; Conci-
liorum & summi Pontif. autoritate; Sa-
cerdotii & Imperii concordia.

De Cardinalibus, Legatis, Episcopis, Ab-
batibus, Parochis, Canonicis &c. de Be-
neficiis Ecclesiast. Sanctiones Pragmaticæ;
Concordata.

De

De Clericis Regularibus in genere.

Regulæ, Constitutiones Regularium; Ordinum Monast. Militar. Monial.

De Disciplina & Censuris Ecclesiast. Inquisitione, &c.

De Divinis Officiis, & ritibus Ecclesiast. in genere.

Liturgiæ, Officia, & libri rituales Ecclesiarum singular. & Ordin. Monast.

HISTORIA SACRA & ECCLESIASTICA.

Chronologia & Historia Sacra Veteris & Novi Testamenti.

Historiæ Ecclesiasticæ Universalis Scriptores ordine temporis & linguar.

Historiæ Ecclesiarum singularum; Græcæ, Romanæ, &c.

Vitæ & Acta Sanctorum, Martyrum, Pontificum Rom. Cardinalium, virorum & foeminarum pietate præstantium.

Historiæ Clericorum Regularium in genere; deinde singulorum Ordinum Monasticorum & Militarium.

Historiæ & Chronica Monasteriorum, locorum sanctorum, Miraculorum, Reliquiarum & Sacrarum Imaginum.

Hæresiologia.

Bibliothecæ & Catalogi Authorum Ecclesiasticorum.

Geographia Sacra & Ecclesiastica. Notitiæ Episcopatum, &c.

HISTORIA

HISTORIA PROFANA.

De Historia conscribenda & legenda; de
Historicis, &c.

Chronologia & Historia Universalis; Chronica generalia, &c.

Historia Græca Antiqua, Veterumque Monarchiarum; item Antiquitates, Inscriptiones, Numismata Græca.

Historia Romana ab Urbe condita ad Imperii translationem; Antiquitates itidem, Inscriptiones, Numismata.

Historia Byzantina ad captam a Turcis Constantinopolim.

Historia Imperii Occidentalis.

Historia Saracenica & Turcica.

Historia Magnæ Britanniae, & singularum ordine suo Europæ Regionum; item Antiquitates, Inscriptiones, Numismata, Vitæque Hominum in singulis gentib. illustrium.

Historia Miscellanea, Fabulosa, Genealogica, Heraldica.

Historia literaria; Continens historiam Academicarum, Typographiæ, Bibliothecarum: vitas, elogia, epitaphia Virorum dignitate & literis illustrium; Bibliothecas Universales Authorum; particulares Regionum, Ordinum, Civitatum: librorum Catalogos.

Rerum

Rerum Asiaticarum ; Africanarum ; Americanarum ; & variarum Perigrinationum
Scriptores : Itineraria Nautica.

Geographi veteres & recentiores, generales
& particulares : tabularum Geographica-
rum & Maritimarum Collectiones.

Dictionaria denique & Lexica Historica,
Geographica.

JUS CIVILE.

Jus antiquum Græcum ; Romanum ; Leges
antiquæ ; Codex Theodosianus ; Corpus
Juris a Justiniano edit. Novellæ Consti-
tutiones ; Basilicorum libri, seu jus Græ-
co-Rom.

Juris consultorum Commentarii, seu tracta-
tus varii in unum collecti, Concilia, De-
cisiones juris.

Tractatus de singularibus Juris Titulis ; ut
de Testamentis, Usura, &c.

Juris Gentium Scriptores ; Fœdera & Pacta
Principum ; Jus Feudale.

Leges & Constitutiones singularum Regio-
num ; Angliæ, Galliæ Italiæ, &c.

Bibliorhecæ, Lexica, Indices, Compendia,
Repertoria Juris.

PHILOSOPHIA proprie dicta.

Philosophi antiqui Græci, Latini, Arabes,
& in eos Commentarii.

Phi-

Philosophiæ generalis Scriptores recentiores.
Tractatus Logici, Ethici, Oeconomici, Po-
litici.

Physici, Metaphysici, Theologia Naturalis,
Lexica Philosophica.

MATHEMATICA.

Opera Mathematica generalia Veterum &
Recentiorum.

Arithmetica, Algebra, Fluxiones.

Geometria Practica, Speculativa, Trigonometria.

Astronomia, Ephemerides, Calendaria; Gnomonica.

Astrologia; ad quam revocari possint aliae artes divinatrices.

Optica, Perspectiva.

Musica.

Mechanica, Statica, & de motu Corporum.

Architectura, Pictura, Sculptura, Artesque militares, Nautica, &c.

Lexica Mathematica, Technica, &c.

HISTORIA NATURALIS.

Qui de Historia Naturali Universali scripserunt.

Qui de Homine & Animalibus generatim & speciatim.

Qui de Plantis, Re rustica, Hortis, &c.

Ordinande Methodus.

Qui de Fossilibus, metallis, lapidibus, ignibus subterraneis, balneis & aquis mineralibus.

Qui de Monstris & Prodigiiis ; huc forsitan revocandi sunt qui de Spectris & Energumenis.

M E D I C I N A.

Veteres Medicinæ Principes Græci, Lat. Arab. & in eos Commentarii.

Recentiores, qui totam Medicinam attigerunt, quique de morbis in genere scripserunt ; Observationes ; Consultationes.

Qui de morbis Sexus, Ætatis, Gentisve aliqujus propriis, atque de morbis singulis scripserunt.

Therapeutici & Pharmaceutici ; qui de morborum curatione, & remediis, Venenis, Antidotis, & non-naturalibus scripserunt.

Chemici.

Anatomici, Chirurgi, qui in genere, deinde qui de singulis operationibus.

Lexica Medica ; Pharmacopœiæ, Dispensatoria ; Hippiatrica, seu de Equorum curatione.

L I T E R Æ H U M A N I O R E S.

Oratores Veteres Græci, Latini, cum Commentariis & Versionibus : Item Proverbia,

VOL. IV.

F

Phrases,

Bibliotheca Cantabrigienfis &c.

Phrases, loci communes, sententiæ ex eis collectæ; quique artem deinde Rhetoricam tradiderunt.

Oratores recentiores; qui Orationes encomiasticas, invectivas, paræneticas, inaugurales, libellos famosos latine seu linguis vernac. scripserunt.

Poetæ Græci & Lat. Veteres; cum Commentariis & Versionibus; quique artem Poeticam tradiderunt.

Poetæ recentiores omnium gentium; qui latine, quique linguis Vulgar. Anglica, Gallica, Italica, &c. scripserunt.

Epistolares Scriptores Veteres & Recent. Græce, Lat. & in linguis Vernac.

Antiquarii, qui de Antiquitatibus in genere scripserunt; Mythologi, &c.

Philologia; operum Philologicorum collectiones; Philologi Veteres; Critici, qui observationes, emendationes, & varias lectiones ediderunt.

Polymathi, seu Polygraphi, qui varia scripserunt ad artes liberales pertinentia.

Grammaticæ, Lexica, Glossaria linguarum omnium, Orientalium, Græcæ, Latinæ, Vulgarium: item Lexica Rhetorica, Poetica, & Singulorum Authorum; ut Pindaricum, Ciceronianum, &c.

MISCELLANEA quæ ad certam aliquam Classem reduci nequeant.

DE
MEDICORUM
APUD
VETERES ROMANOS
DEGENTIUM CONDITIOE
DISSERTATIO;
CONTRA VIROS CELEBERRIMOS
JAC. SPONIUM & RIC. MEADIUM, M.D.D.
Servilem atque ignobilem eam fuisse
OSTENDITUR.

ME DIC O R U M

VIRI RUM ROMANORUM

Dispositio Conditionis

D I S S E R T A T I O

De Viri RUM ROMANORUM

AC STONUM VIRI MEDICUM M.D.D.

De Viri RUM ROMANORUM

O S T E N D I T U R

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DE
MEDICORUM

APUD
VETERES ROMANOS

Degentiam Conditione

DISSERTATIO, &c.

VESPERI nuper cum Amici aliquot in Bibliothecam meam pro more coissemus, sermones cum familiares, tum eruditos etiam fortasse in noctem usque producturi; cumque unà, pro copia illa quam Cantabrigia nostra facillè suppeditat, ex singulis ferè Scientiis docti aliqui adessent; posteaquam, ut in congressu solemus, novi quicquid vel in re literariâ vel publica evenerat, in commune singuli contulissimus; Medico quodam, qui ex Collegio Regali convenerat, viro in primis probo atque erudito, nonnulla fortè de Variolis apud nos tunc grassantibus interrogato; paucisque inde de variâ curandi Methodo disputatis; ad Medicinam sensim labi sermo, inque Artis ipsius præmiis & honoribus, Collegiique præcipuè Londinensis famâ & celebritate totus versari cœpit.

Tum ego ; quàm verò, inquam, diversa est apud nos rei Medicæ facies, ac Romæ olim fuit, ubi ignobilis per tot secula, atque abjecta Ars ipsa jacuit, non nisi à Servis atque extremæ fortis hominibus tractata ; quamque tanquam illiberalem ac Cive prorsus indignam, de Romanis quidem nemo attingere sit dignatus ? Hic autem Medicus noster subridens, haud credidisse se, inquit, prisca illa, ac obsoleta planè quorundam commenta fidem adhuc apud ullos invenire ; quæ sæpius confutata, doctorum plerique tanquam vana & futilia jam diu repudiassent ; quæque *Meadius* ipse, Medicorum longe Princeps, oratione quadam Londini haud dudum habitâ, mera esse opprobia demonstraverat, omnemque illam servitutis infamiam à *Medicis* prorsus in *Chirurgos* amoverat.

Ego vero, *Meadii* licet Autoritate graviter commotus, cujus quidem Orationem necdum, videram, ne tamèn quæ dixeram, temerè planè, nulloque Auctore effutisse viderer, haud destitit alia sane multa in eandem sententiam differere, & nonnulla Veterum testimonia, quæ memoriæ tunc suppetebant, plura etiam ex schedulis pollicitus, ad causam, quam susceperam, confirmandam adducere : neque dicere dubitavi, *Meadium* ipsum dupliciter planè labi videri ; primum, quòd *Medicos olim Romæ liberos esse & ingenuos* ; deinde, quòd *Chirurgos à cæteris Medicis distinguere omnino & segregari* putaret ; cum Utroque

que communi cum nomine, tum conditione apud Veteres Romanos usos semper esse certissimum esset.

Producta adeo paulatim hac nostrâ disputatione, & familiaritèr admodum, ut inter Amicos, ultro citroque pluribus verbis agitata; interfatus demum *Juris Civilis Professor Regius*, Vir summâ modestiâ, parique eruditione; mihi se planè assentire dixit; propterea quod apud Veteres Jurisperitos in *Servorum familiis Medicos semper recenseri* animadvertisset; [a] quibus tamen is honos habitus; ut in *Servis familiam ducerent*; ac in Mancipiorum venditionibus cæteris omnibus *pluris æstimarentur*. Chirurgos autem quod attinebat; haud credere se, a *reliquis Medicis* antiquitùs eos sejungi; at contra; quasi ii potius pro Medicis soli essent habendi; non meminisse aliam in Jure Civili Medicorum fieri mentionem [b], ac eorum, qui *manu curare*, seu *secare* consueverint.

Bakerus denique noster, qui colloquiis hisce nostris, non interesse solum, sed pro illa, qua præstat omnibus, Antiquitatis cognitione, præ-

[a] *Servis autem & Ancillis majoribus decem annis, si sine arte sint, viginti solidis æstimandis; sin autem Artifices, ad triginta solidos æstimatione eorum procedente. Notarios quinquaginta solidos æstimari, Medicos autem & Obstetrices sexaginta. l. 3. Cod. Commun. de legat. &c.*

[b] Si Medicus Servum imperitè secuerit, vel ex locato, vel ex lege Aquiliâ competere Actionem. l. 7. §. f. ad leg. Aquil.

esse etiam solebat ; cum opinioni meæ, suæ etiam sententiæ pondus, tanquam cumulum quendam adjecisset ; tum instare omnes ; ut hanc totam quæstionem, levitèr jam ac fortuitò inchoatam, accuratiùs ipse tractandam atque ad finem perducendam fusciperem ; quæque memoritèr tunc disputaram, quæque ex schedulis plura promiseram, in ordinem, quam primùm per otium liceret, redigerem, atque alio aliquo conventu nostro recitanda proponerem. Horum itaque Autoritati obsecutus, ea omnia, quæ ad hanc causam pertinere, totamque complecti videntur, collegi statim, atque in hanc, quæ sequitur, perpetuæ dissertationis formam conjeci.

Apud veteres Romanos Medendi artem non solum minùs excultam, sed ne cognitam quidem esse, ex Monumentorum omnium silentio suspicari fas est. Cum enim alia omnia, quæ ad vitam, cultumque civilem pertinent, accurate legibus descripta, atque egregie sint constituta ; nihil tamen in omni Civitatis temperatione, de Medicina unquam, vel à Regibus, vel à Consulibus institutum, aut præceptum reperitur : Nec per plura deinceps ab Urbe condita secula, ullius unquam Medici fama, nomenve memoriæ traditur ; vel artis quidem ipsius ulla ferè à Scriptoribus fit mentio. Neque mirum sane raram ibi rei fieri mentionem, cujus rarum fuisse usum necesse sit ; apud homines scilicet, summa temperantia educatos, summisque laboribus exercitatos ; quorum valetu-

dini,

dini, uti ait *Valerius Maximus* [a], quasi *quædam mater erat frugalitas, inimica luxuriosis epulis*. Eadem quippe causa, nimirum vitæ victusque tenuitas, Urbem & Medicis & Morbis simul vacuum servabat; dum illos nec præmiis, nec quæstus spe ulla allicere paupertas civium valebat; atque *his* parca illa vivendi ratio omnem quasi materiam præcidens, medendi planè usui superfedebat. Nobilium interea plerique valetudinis tuendæ disciplinam quandam in suâ quisque familiâ instituisse videntur, ut *Cato Senior* apud *Plutarchum* [b], cum magno Medicorum omnium contemptu, gloriatur, se oleribus, carnibusque ad concoquendum facilioribus, suam suorumque valetudinem conservare solere.

In hoc rerum statu Rempublicam sine Medicis ad sexcentimum usque annum floruisse narrat [c] *Plinius*; qui tamen haud ita accipendus est, quasi neminem omnino per tot secula Medicinæ operam dedisse asseruisset; quum Medicos, qualescunque tandem ii fuerint, diu ante Romæ extitisse, & multi Auctores sint [d], & ipse quidem *Arcagathum* quendam artem ibi

[a] Lib. 2. c. 5.

[b] In vita Cat.

[c] Hist. Nat. 1. 29. c. 1.

[d] Peste Romæ circiter annum 301. grassante, Medicos ægris curandis non sufficere meminit *Dion. Halicarnassensis*. *Plaut. Rud.* 5. 3.

G R. Quid tu, num Medicus quæso es?

L A. Immo edepol una litera plus sum, quam Medicus. G R. Tum tu Mendicus es.

antea

antea exercuisse meminit [e]: itaque hoc solum significasse intelligendus est; nullum illis temporibus Romanos habuisse Medicum, qui artis peritiâ, vel nominis famâ inclaruerit; artemque ipsam interea jacuisse penitus, nullo loco aut honore habitam, nec nisi à Servis & extremæ fortis hominibus administratam: quos fere omnes à Græcis, (qui magnam Italiæ partem, Siciliamque tunc omnem tenebant) aut bello captos, aut pretio emptos, aut fugitivos denique esse verisimile est: quum in Græcia Medicorum servulos, dominos confectando [f], ægrosque simul obeundo, Medendi sæpe artem didicisse, atque exercuisse certissimum est.

Horum autem nonnulli libertatem tandem, seu Dominorum gratiâ promerenda, seu pretio dato adepti, officinas plerumque ad operam suam, artisque instrumenta publicè vendenda conducere solebant, quas *Medicinas* Plautus vocat [g]; quasque perinde ac tonstrinas, conciliis, coetibusque otiosorum frequentari solitas docet. Servos enim ex pecunia illa, quam de demenso suo pariendo, geniumque defraudando corradere sæpe solebant, libertatem haud rarò emisse constat [h]: qui verò artem ullam habe-

[e] Ibid.

[f] Κατ' ἐπίταξιν τῶν δεσποτῶν καὶ θεωρίαν καὶ κατ' ἐμπειρίαν τὴν τέχνην κλύουσιν ὑπηρέται τῶν ἰατρῶν. Plato l. 4. 834.

[g] Amphit. 4. 1.

[h] Plant. Rud. 4. 2. It. Senec. Ep. 80.

bant,

bant, omnium certè facillime peculium sibi, lucrumque quoddam adventitium, Dominorum concessu, ad emendam libertatem conficere poterant : quod Medicis præcipuè accidisse, dum eos tamen inter infimos hominum recenset, indicare videtur Seneca [a] : qui divitias in bonis nequaquam esse numerandas contendit, propterea quod ejusmodi bona in *Arte medendi humillimis quibusque* contingere videmus.

Quum verò Græcia tandem, & Asia subactæ, Imperioque adjectæ essent ; tum luxu inde omnia, deliciisque Romæ diffuere ; Græcorumque artes in Urbem introductæ priscam illam vitæ disciplinam simplicitatemque omnem corrumpere ; Principesque viri tum primùm Græculos undique servos, artibus instructos, & Medicinæ præcipuè peritos, qui et valetudini & luxuriæ simul ministrarent, conquerere sibi ac omni studio coemere cœperunt : neque Procerum posthac Divitumve domus ulla *Medicis Servis* vel pluribus vel singulis ad minimum caruisse viderur ; quorum deinceps in manibus Medendi Ars, ac provincia ferè omnis versata est. Medicorumque adeò numerus dum in Urbe magis indies crescebat, rarò tamen adhuc de Medicina ipsa, ejusve Professoribus, tanquam de re humili & abjecta nimis, apud Auctores mentio occurrit : neque præter unum *Arcagathum* cuivis unquam Medico ante J. Cæsaris æta-

[a] Senec. 85.

tem, jus Civitatis datum reperio: primusque, ut opinor, circum idem tempus *Asclepiades quidam*, Medendi arte celebris fuit; qui cum Rhetor primò fuisset [a] nec remedia nosset, quum Rhetoricam tamen sibi minus quæstuosam invenisset, ut sagaci erat ingenio, ad Medicinam se convertit, ac famam inde magnam atque auctoritatem adeptus, in Ciceronis deinceps amicitiam & familiaritatem [b] est receptus.

Romæ interea tanto semper in dedecore ars tota jacuit, ut *solam eam Græcarum artium*, magno licet fructu proposito, *Romani gravitate suâ indignam* [c] judicarint; *paucissimique illi Quiritium*, qui quæstu vix tandem allekti, eam non nisi sero attigerint, tanquam *ad Græcos transfugæ* habebantur. Apud illos bellicæ virtutis laus & splendor primum semper locum obtinuisse, primamque ad gloriam commendationem præbuisse videtur; qui vero in toga potius, foroque versari, & pacatiora sequi studia maluerunt, *alii*, ut ait Cicero [d], *se ad Philosophiam*; *alii ad jus Civile*, *alii ad eloquentiam applicuerunt*. Hisce se Artibus ingenuus quisque exercuit; hisce solis viam sibi ad opes, famam, honores patefecit: quem vero unquam Romanorum ad Medicinam sese applicuisse, quemve Civem ex eo studio laudem & gloriam

[a] Plin. Hist. Nat. l. 25. it. 26. 3.

[b] Cic. de Orat. l. 1. 14.

[c] Plin lib. 29. 1.

[d] De Offic. 1. 32.

reportasse legimus? quod tamen *ordini*, cui *con-*
venit (servis utique & libertis) *honestum esse*,
Cicero ipse agnoscit [a]. Neque mirum sane,
 veteres illos, qui liberalium Artium tractatio-
 nem ad servos minimè pertinere arbitrabantur [b],
 atque ab iis prorsus studiis, quibus ipsi dare
 operam solebant, servos legibus arcebant [c],
 Medendi Artem a servis omnino occupatam,
 atque administratam, tanquam *iliberalem* ac
sordidam rejecisse.

Haud tamen negandum est, quin cum servu-
 lis hisce Medicinam exercentibus, alii quoque
 sese conjunxerint *Græculi esurientes*, qui quæstus
 causâ e Græcia Romam effluxerint, liberæ for-
 tasse, sed humilis certe atque abjectæ conditionis;
 quippe gens illa omnis tanto Romæ in contemp-
 tu habita est, ut nomen ipsum *Græcus* [d], tan-
 quam contumeliosum: quiddam & opprobrii
 plenum, jactitare plebs atque in ore habere sole-
 bat: Hos vero omnes J. Cæsar [e], ut *Urbis*
bellis Civilibus exhaustæ frequentiam pristinam
redderet, Civitate donavit. Atque hæc prima
 Medicis ad honores janua patefacta; hoc pri-
 mum iis dignitatis fundamentum jactum vide-

[a] Ibid. 42.

[b] 'Ου χρὴ ποτ' ἄνδρα δῶλον ὄντ' ἐλευθέρως γνώμας
 διώκειν Eurip. Antiop.

[c] Servum hominem causas orare leges non sinunt.
 Ter. Pher.

[d] Plutarc. in vita Ciceron. p. 863.

[e] Sueton. J. Cæs. c. 42.

tur; qui apud alios deinceps Principes gratiâ sæpe valentes, opibusque inde & variis immunitatibus aucti, ex servili atque ignobili statu, ad honestum tandem; atque ex tenebris illis & obscuritate in lucem paulatim & splendorem quandam evaserunt. Artem autem ipsam, magnis licet privilegiis munitam posthac atque ornatam, vix unquam tamen, ut mihi videtur, inter liberales censerî; contra vero; apud Jurisperitos a Studiis [a] liberalibus distingui semper & sejungi reperio.

Atque hæc jam, quæ de Medicis Romæ degentibus exposui, non conjecturâ modò probabilis, sed vera omnia ac certa plane esse, ex constanti Auctorum omnium fide comprobari facile potest: Quamvis enim, ut supra dixi, per prima illa ab Urbis ortu secula, altum quasi de re tota sit silentium; ex consequentium tamen seculorum Scriptoribus plurima, nec illa quidem obscura, suppetunt testimonia, quæ sententiam meam prorsus confirmant; neque cuiquam certe dubium erit, quamam in prisca illa Urbis & Civium paupertate Medicorum fuerit conditio; cum florente jam, opibusque omnibus affluente Republica, ignobilem eam,

[a] Sed etsi Salarium alicui Decuriones decreverint; ut puta, si ob liberalem artem fuerit constitutum, vel ob Medicinam. l. 4. de Decret. ab ordin. faciend. it. exceptis, qui liberalium Studiorum Antistites, sunt, & qui medendi curâ funguntur. l. 1. Cod. de Decret. Decur.

servilemque plane fuisse apparuerit : ad rem itaque probandam accedamus.

Pervulgata quidem est illa de *L. Domitio* Historia [a] ; quem Corfinio capto, ne in Cæsaris potestatem veniret, *Medico servo* suo imperasse legimus, ut venenum sibi daret : expertum tamen Victoris clementiam, *Medicum* statim *manumississe*, quod prudens minùs noxium temperasset. Cleanthem quendam, Catonis *Medicum & Libertum*, Domini manum obligasse [b], atque intestina moribundo reposuisse, vulnusque confuisse Plutarchus narrat : Augustus magna quadam annonæ caritate, servitorum partem, exceptis *Medicis & Præceptoribus*, ex Urbe expulisse à Suetonio dicitur [c] : exstatque ejusdem Principis epistola, ad *Agrippinam* neptem his verbis scripta [d] : *Mitto præterea cum eo ex servis meis Medicum, quem scripsi Germanico, si vellet, retineret. Antonium etiam Musam* (quem liberum Sponius [e] ingenuumque fuisse existimat) *Medicorum fere omnium celeberrimum, Annulo aureo & Statuâ æreâ publice donatum ; Augusti tamen Servum & Libertum* deinde fuisse ex *Dione* discimus [f]. Primus ille *Musa*

[a] Sueton. Nero, c. 2. Plut. in Vit. Cæs. 724.

[b] In vita Cat.

[c] In Aug. c. 42.

[d] Id. Calig. c. 8.

[e] Spon. Recherches curi d'Antiquité Dissert. 27.

[f] ἢ γὰρ ἀναμύθησιν. Dio ex Edit. H. Steph.

Balneorum usum improbasse, & frigidâ omnino ægros demersisse dicitur; eandemque hanc valetudinis tuendæ rationem ab eo sibi præscriptam meminit Horatius [a].

Apud Jurisperitos etiam, multæ sæpe occurrunt de *Medicis*, tum *Servis*, tum *Libertis* propositæ quæstiones. *Medicus libertus* quod putaret, si *liberti* sui *Medicinam* non facerent, multo *plures imperantes sibi habiturum*, postulabat, ut sequerentur se, neque opus facerent. Id jus necne [b]? ubi ex voce illa, *imperantes*, abjectæ *Medicorum* conditionis indicium quoddam elicere possumus; quum *Medico imperare* à Veteribus dici solere videtur pro *Medicum* adhibere, seu advocare: Sed non opus est plura Auctorum testimonia colligere, remque satis claram auctoritatibus onerare, quæ magna sane copia suppetunt; extant & Marmorum antiquorum Inscriptiones bene multæ, ad hanc ipsam quæstionem pertinentes, quarum paucas modo, ad Argumentum meum plenius illustrandum, ex Grutero apponendas duxi.

[a] Epist. l. i. 15.

Nam mihi Baias

Musa supervacuas Antonius & tamen illis

Me facit invisum, gelida quum perluor unda

Per medium frigus.

[b] Lib. 26. Princip. de oper. libert.

CHRESTE.

	Θ. Κ.
CHRESTE. CONSERVAE	T. ΑΙΑΙΟC
ET. CONIVGI	ΑCΚΛΗΠΙΑΔΗC
CELADVS. ANTON.	CEBACTOY
DRVSI. MEDICVS	ΑΠΕΛΕΤΘΕΡΟC
CHIRURG.	IATPOC
&c. 581.	ΛΟΤΑ. MAT.
	ΧΕΙΡ.
	335.
EROS	M. RVFRIVS. M. L.
AVGVSTAE	FAVSTVS. MEDICVS
MEDICVS 581.	I I I I VIR AVG.
SPOSIANVS.	464.
EVTYCHVS. AVG. LIB. NERONIANVS. MEDI-	
CVS. LVDI. MATUTINI 335.	

Talibus monumentorum veterum, atque Auctorum confirmata testimoniis, constans semper de servili apud Romanos Medicorum conditione opinio invaluit: primus eam, ut opinor, in dubium vocare conatus est If. Causaubonus, in Animadversionibus suis in Suetonium.

Sponius deinde, Antiquitatis quidem ipse scientiâ excellens, Medicus tamen, artique suæ nimium favens, opinionem hanc tanquam *vanum quoddam Robertelli commentum* irridet [a], omnemque servitutis indignitatem, a Medicis in Chirurgos atque Ocularios ridicule satis transferre conatur. Meadius denique noster, Sponium

[a] Spon. Recherches Curieuses d'Antiq. 27. It. Miscellanea. Erudit. Antiq. Sect. 4. p. 141.

omnino sequens, magnificentius tamen, & gloriosius omnia de Arte sua prædicat. Casaubonus enim Medicos licet non omnes, at plerisque tamen e Servorum numero, neque ullos quidem Romanos, sed Græcos plane omnes fuisse fatetur: Sponius in hoc præcipue elaborat, ut a Servis ad proximum Libertinorum ordinem mendi artem evehat, atque uno quasi gradu altiore ponat: Meadius autem nihil omnino servile, nec humile quidem Medicis ascribi patitur [a]; sed in libertatem omnes, ac ingenuitatem simul asserit; Chirurgos solummodo, tanquam servile pecus, atque extremæ sortis homines, libere nobis lacerandos propinans. Sed quibus tandem Argumentis hi tanti viri ad probandum utuntur, operæ pretium erit considerare.

Casaubonus quum animadvertisset *Medicorum* quendam [b] quem J. *Cæsar* a prædonibus captus, secum habuisse a *Suetonio* dicitur, *amicum Cæsaris a Plutarcho* [c] appellari; aliosque itidem Artem illam profitentes Principum Virorum amicitia nonnunquam ac familiaritate usos esse; ejusmodi homines, quibus tantus honos habitus esset, *Servos* fuisse suspicari, tanquam ridiculum credituque absurdum arguit: hoc cum ille, tum post eum Sponius, argumento

[a] Mead. Oratiō Harveian. p. 8.

[b] Animadvers. in Sueton. p. 8.

[c] In vita J. Cæs.

maximè utitur. Sed miror non animum attendisse Viros doctissimos, *amicorum cohortes* in plures gradus & ordines à Magnatibus segregari solere [a] ; ut Lampridius de Alexandro Severo loquens, *tantæ eum moderationis fuisse scribit*, [b] ut *amicos non solum primi & secundi loci, sed etiam inferioris, ægrotantes viseret*. Neque mirum videri debet, non modo Libertinos sed & Servos etiam, in *inferiorum Ordinum amicis* interdum numerari ; cum meminerimus, quam benignè quamque familiariter istius sortis homines, qui fide & ingenio præstarent, vel à Principibus Viris tractari essent soliti.

Brutus ad Ciceronem scribens [c], *Glyconem*, inquit, *Medicum Pansæ diligentissimè tibi commendò* ; audimus eum venisse in suspicionem de morte Pansæ, custodiri quæ ut Parricidam ; nihil minùs credendum, est *modestus homo & frugi*—rogo te & quidem valde rogo, &c. quis jam Medicum illum, Bruto tantoperè carum & familiarem, *amicum Brutum* vocare dubitaret, qui tamen Pansæ Cos. Servus, aut saltem *Libertus* erat ? Ciceroni autem ipsi nihil unquam *Servo suo Tirone* dulcius aut carius fuisse, epistolæ suæ ad eum missæ satis declarant : ob cuius tandem manumissionem gratias ei per li-

[a] Consuetudo ista vetus Regibus, Regesque simulantibus populum amicorum describere : apud nos primi omnium C. Gracchus, & mox Livius Drusus instituerunt segregare turbam suam, &c. Senec. de Ben. l. 6. 33. It. de Clemen. l. 10. It. Sueton. Tiber. c. 46.

[b] c. 20.

[c] Epist. ad Cic. 6.

teras Q. Cicero frater agens [a], *Gratissimum*, inquit, *mibi fecisti, cum eum indignum illa fortunâ, nobis Amicum, quàm Servum esse maluisti*: tanquam nihil aliud esset Manumissio, quàm è servitute in amicitiam Domini transitus: hoc autem Medicis præcipuè & Præceptoribus contigisse, ut in *Amicos faciliè transfirent* testatur Seneca; [b] quibus scilicet Artes ipsæ, quas profitentur, Dominorum gratiæ promerendæ hominibusque beneficio obligandis omnium maximè sint opportunæ. Sed quid tandem ad amorem Domini erga servum significandum gravius esse potest, quam Inscriptio publicè dicata? hujusmodi autem vetustam quandam exhibet *Turrius*, [c] Aquileiæ repertam, quàm summus, uti videtur, Coloniae Magistratus *Servo suo Medico* posuisset.

P H A E B I A N O

S E R.

M E D I C O

F A B I A N U S

C O S.

Hanc *Inscriptionem*, inquit Auctor celeberrimus, *ægris oculis vidisset Sponius, qui à Servorum abjectâ conditione Medicos vindicare conatus est*. In notissimâ denique illâ de Pyrrho Rege

[a] Cic. Ep. fam ad Tiron. 6:

[b] De Ben. l. 6. 26.

[c] Philip. a Turre Monumen. Vet. Antij. p. 361.

historiâ ; hominem illum, qui Fabricio Consuli, si de pretio conveniret, veneno Regem necare promisit, *Medicum* Plutarchus [a] ; *Animum* Gellius [b] ; *Famulum* autem *Regis* Claudianus vocat [c] : quæ tamen omnia tum inter se consentire, tum sententiam meam confirmare, ex supra dictis facilè patere arbitror.

Sponium quod attinet ; multum ille quidem sese efferre atque exultare videtur, quod Medicorum unus aut alter *Ciceronis*, *Cæsaris*ve *Amicus* esset nominatus : quod quam leve totum sit, ac futile, nihil necesse est pluribus ostendere. Ut vero diligens admodum erat Antiquitatis omnis Investigator ; in Monumentis tamen veterum perscrutandis idem ille quidem facere videtur, quod ii omnes solent, qui certis quibusdam destinatisque sententiis sese addixerint ; ea videlicet, quæ opinionibus suis præjudicatis favere quoquo modo credant, rapere undique & in partes suas torquere, alia verò omnia negligere facilè aut celare. Sed ut Argumentationis ejus vim omnem complecti facilius, & comprehendere queamus ; inscriptionum quarundam veterum, quibus præcipuè causam suam evincere, contrariamque refellere conatur, maximam partem huc quoque transferendam curavi.

[a] In vita Pyrrhi p. 396.

[b] Noët. Att. 3. 8.

[c] De Bello Gild. 271.

I.

M. LATINIVS
MEDICVS
OCVLARIVS.

II.

M. ALLIVS. PAMPHILVS
MEICVS.
&c.

III.

C. CALPVRNIVS. ASCLEPIADES
PRVSA. AD. OLYMPVM. MEDICVS
PARENTIBVS. ET. SIBI. ET. FRATRIB.
CIVITATES. VII. A. DIVO. TRAIANO
IMPETRAVIT. &c.

IV.

ILLVSTRIVS. TI. CAESARIS,
AVG. SER. CELADIANUS
MEDICVS. OCVLARIVS.

V.

M. FONTEIVS
NICANDER
MEDICVS.

VI.

L. ANNIVS. CASSIVS. MITHR
ADORVS. MEDICVS. &c.

VII.

VII.

L. A R R V N T I O
S E M P R O N I A N O
A S C L E P I A D I
I M P. D O M I T I A N I
M E D I C O. &c.

VIII.

T I. C L A V D I V S. I V L I A N V S
M E D I C V S. C L I N I C V S. C O H. I I I.
P R. F E C I T. V I V O S. S I B I. E T.
T V L L I E. E P I G O N E. C O N I V G I.
L I B E R T I S. L I B E R T A B V S Q;
C L A V D I I S. &c.

IX.

P. C H A R M.
S O S T H E.
M E D I C.
I I I I L V I R. A V G.

Hiscæ pauculis Inscriptionibus, inquit Sponius, [a] destrui potest, ridiculum Robortelli commentum; qui asseruit, Romæ tantum servos Medicinam exercuisse. Etiam si etenim in Inscriptione, Illustrius Tib. Cæsaris servus fuerit Medicus; observandum est, addi Ocularius; si- que potius Chirurgum quàm Medicum; fuisse.

[a] Miscell. Erud. Antiq. p. 144.

At in aliis lapidibus Medici soli ingenui, aut liberti, &c. quorum ultimus vero, præterquam ingenuus fuit, sextumviratûs dignitate ornatus observatur.

De primâ autem illâ inscriptione, *literas*, M. L; quæ Latinii nomen sequi debuissent, *libertinam* videlicet ejus conditionem indicantes, a Sponio detractas esse, vir doctus *Malvasia* ostendit [a]. Secundam quod attinet; Amicus meus *Justus Fontanus*, Romanæ Ecclesiæ Præsul, vir omni literarum genere præstantissimus, scriptisque in lucem editis meritò celeberrimus, in libro suo de Antiquitatibus Hortæ (quem inter alia plurima amicitiae & benevolentiae suæ pignora ab eo Romæ dono accepi) diverso planè modo eam nobis exhibet; videlicet, MALLIVS PAM. &c. Nulla interpunctionis notulâ ad prænomen distinguendum adhibita: atque ex eo Pamphilum illum è *servorum grege* fuisse, necdum libertate donatum contendit; propterea quod prænomine, quo cives omnes utebantur, careret: [b] Sponiumque deinde levitè reprehendit, quod ultra quam par sit, Robortelli opinionem irrideat,

De Aesclepiade autem Medico proximè memorato, quam puerilia & inepta omnia protulit Sponius? [c] Qui inscriptionem ipsam in Galli-

[a] Marmora Felsin, Sect. 5. c. 1.

[b] Cap. 9. p. 166.

[c] Differ. 27. p. 431.
cum

cum sermonem vertens, *septem Urbium Dominium & Principatum* ab Imperatore Trajano eum obtinuisse asserit: Neque Meadius deinde hunc tantum virum, seu Principem potius, *totque Civitatum donationem*, in Artis suæ gloriam commemorare omisit. [a] Sed quid tandem, si Diis placet, hæc tam magnifica sibi velint? Reinesius enim, Auctor quidem ille gravis, Medicusque celebris, (unde ipsam etiam inscriptionem transtulerat Sponius) nihil aliud *Asclepiadem* huncce fuisse dicit, [b] quàm *servum à Calpurnia Familiâ* manumissum, qui Trajani favore *Civis privilegia & immunitatem*, non solum Romæ, sed in sex aliis Græciæ & Asiæ Civitatibus sibi, suisque impetraverat: Nec quicquam sane amplius inscriptionis ipsius verbis significari certissimum est; quippe *septem Urbium Dominatus* ab optimo & prudentissimo Principe *Medico Graculo* donatus, non solum incredibile quiddam videtur, sed à scriptoribus omnibus silentio præteriri nullo modo poterat.

Cæteros autem Medicos in reliquis illis lapidibus nominatos, quis unquam sanos ingenuos, ut ille, atque ex familiis quarum nomina præ se ferunt, oriundos credere potest? quidni potius servos omnes fuisse existimemus, qui manumissi postea, *Dominorum sibi nomina, & prænomina* pro more assumerant?

[a] Orat. Harv. p. 9.

[b] Syntag. Inscript. Antiq. Class. 11. 4.

*Verterat hunc Dominus momento turbinus, exit
Marcus, Dama, &c.*—Pérf. Sat. 5. 78.

Hoc sanè de *Claudio illo Juliano* quam maxime est probabile : non tam propter conjugem Græcam *Epigonem*, quam quod *Claudia familia*, è quâ ipse manumissus esset, *libertis, libertabusque* commune Sepulchrum posuisse videtur. Sin quod minus est verisimile, liberos eos esse concedamus ; Romani tamen esse non poterant ; sed ex Græculis istis, qui ab Imperatoribus Civitate donati, Magnorumque in clientelam recepti, Romana deinceps nomina usurparunt ; retento tamen plerumque atque adjecto veteri Græco : Quales proculdubio (si non servi potius sint existimandi) *Cassium, Fonteium, Arruntium* fuisse ex ipsis inscriptionibus satis apparet.

Sextum viratum denique *Augustalem* quod attinet ; quem Medicus ille *Charmes* in inscriptione gessisse dicitur : errat planè Vir Eruditus, quod non nisi ad *Ingenuos Nobilesque* deferri eum existimaverit ; [a] quum & Libertinis præcipuè, seu semper potius delatum fuisse multæ aliæ inscriptiones declarant : quarum quidem una ipsam pecuniæ summam memorat, quam *Medicus Servus* pro libertate ; quamque *libertus* deinde pro *Seviratu* in Rempublicam dedisset [b].

P. D E.

[a] Differt. 27. p. 435.

[b] Seviratus hicet Augustalis, quale tandem Munus fuerit,

P. DECIMVS. P. L. EROS.
 MERVLA. MEDICVS.
 CLINICVS CHIRVRGVS
 OCVLARIVS. VI. VIR.
 HIC. PRO. LIBERTATE. DEDIT. H. S. I.,,
 HIC. PRO. SEVIRATV. IN. REMP.
 DEDIT. H. S. ∞, ∞.

Hier. Mercurial. Var. Lect. l. 3.

Sponius autem, dum Medicorum veterum conditionem liberam ac ingenuam probare studet, evertit planè, ut mihi videtur, quod tanto opere astruere laborat, cum è *Libertinorum* tandem familiâ maximam eorum partem exiisse fa-

fuerit, five Sacerdotium, five magistratus quidam in municipiis, haud inter Eruditos constat; ex Tacito [Ann. 1. 54. 1.] & Suetonio [Claud. c. 6.] discimus, post mortem Augusti Sacerdotium quoddam in honorem Juliae Gentis a Tiberio esse institutum; in quod sorte deligebantur Primores Civitatis, unus & viginti, *Sodalium Augustalium* nomine, qui sacris, ludisque in Cæsarum defunctorum honorem constitutis præfuerunt; quibus postea extra ordinem adjecti Tiberius, Drusus, Claudius, Germanicus. Hujus Sodalitatis ad similitudinem, rebusque ut opinor, iisdem procurandis, *Seviratus Augustalis* in Coloniais & Municipiis creatus videtur: Ordo quidem inter Decuriones & plebem medius; ut ex Veteribus marmoribus patet. Honorem ipsum pecuniâ plerumque emptum; nonnunquam tamen à Decurionibus ob merita gratuito datum; nec tamen perpetuum fuisse, sed quinquennale & repetitum interdum ex Inscriptionibus antiquis colligitur.

teri cogatur : quid enim tantum interest, *Servine* Medendi Artem exercuerint an *Liberi*? quum hos etiam in servitute illam cum didicisse, tum exercuisse necesse sit : *Servos* autem *frugi & diligentes* (atque ut ex supra dictis conjicere licet, omnium maxime Medicos) haud *quinquennio diutius servire*, sed in libertatem deinde emitti solere, ex *Cicerone* colligere possumus : [a] atque hinc *Medicorum Libertorum*, quorum nomina toties occurrunt, tantus numerus effluxit : qui quidem etsi *liberi* dici possint, (quum tamen non omnes fortasse justâ libertate fruebantur) at *Ingenui* certè nunquam existimabantur : contra verò ; *Libertinos* atque *Ingenuos*, tanquam contrariæ sortis homines, sibi invicem oppositos semper ab Auctoribus invenimus, *Hominibus*, inquit Seneca, [b] *prodesse Natura jubet, Servi, Liberive sint ; Ingenui an Libertini*. Narratque Suetonius, [c] Augustum *neminem unquam Libertinorum cœnæ adhibuisse*, excepto Mena, (S. Pompeii Liberto) *sed asserto prius in Ingenuitatem*.

Sed ad Meadium tandem nostrum veniamus, qui in hac quæstione tractandâ, [d] in id unum totus incumbit, ut inustam *Medicis* servitutis infamiam in *Chirurgos* penitus removeat ; *Illos* Romæ semper splendidos, honoribusque auctos ;

[a] Orat. Philip. 8. 11.

[b] De Vita Beat. c. 24.

[c] Aug. c. 74.

[d] Orat. Harv. p. 8.

*Hos tantummodò ignobiles, abjectos, serviles esse contendens: Utrique autem cum Medici à Veteribus appellabantur, inde errorem hunc omnem nasci innuit, quod quos eodem nomine appellatos Viri docti observassent, eadem etiam vitæ conditione usos crederent. Sed parum ei feliciter in re probandâ successit: ex omnibus enim, quos enumerat Medicis, duos tantum profert, de quorum conditione certi aliquid ac indubitati memoriæ proditur; *Arcagathum* scilicet, & *Antonium Musam*: quorum ille quidem liber & Civitate donatus, sed *Chirurgus* certè, seu ut *Plinius*, eum vocat, [a] *Medicus Vulnerarius*; Hic autem, *Medicus* planè summus, summisque honoribus ornatus, *Augusti* tamen ut supra dixi, *Servus* & *Libertus* fuit: de reliquis illis, quorum *Romana* quidem nomina adducit, *Cassii*, *Calpetanis*, *Arruntiis*, &c. quid constituendum sit, ex supra memoratis faciliè judicabimus: quos si Cives ipse, ingenuosque omnes fuisse, cum Sponio credere potest; haud tamen aliis persuadere credat; *Nobiles* unquam *Romanos* Artem illam exercuisse, quam vel *infimus* quisque *gravitate suâ indignam* arbitrabatur; quamque *nullus omnino Quiritium*, nisi serò admodum, nec ut *Clericus ipse* fatetur, ante Cæsarum ætatem unquam attigit.*

Observat autem Vir Celeberrimus, in Nummo quodam *Rubriæ Familiæ, Anguem Deæ*

[a] Hist. Nat. 1. 29. 1.

Salutis Symbolum conspici, quem ad florentem tunc in ea familia Medicinæ laudem referri omnino oportere censet [a]: miraturque Patinum & Vaillant, Medicos quidem ambos, in Nummis Familiarum Romanarum explicandis, *rem Arti suæ tam honorificam* prætermisisse: at in aliis etiam Nummis Consularibus, quos ipse quoque exhibet. [b], Uno scilicet *Junia*, altero *Acilia Familiae*, ipsa *Deæ Salutis* imago expressa cernitur: num Medici propterea familiarum istarum Principes; nihil sane minus credendum. Sed *Juniorum* nummus, ob Templi *Deæ Saluti* ædificati memoriam, percussus existimatur, quod *Junius Bubulcus* ex voto, quod Consul fecerat, Dictator dedicavit A. U. 451. [c] Alterque iste *Acilianus*, munus aliquod, vel magistratum, ad valetudinem populi contra pestem, morbumve quendam contagiosum tuendam institutum, gestumque feliciter denotat, uti ex ipsa inscriptione Viri docti judicant. MV. ACILIVS. III. VIR. VALETIV. Quidni igitur cum Patino, *Rubriorum* etiam Nummum illum (quo *Æsculapii* in Urbem advectio denotari

[a] Orat. p. 11.

[b] Ibid. p. 31. Afferit. [p. 49.] inter alias Romanorum familias, Rubriam Medicinæ laude floruisse; Pliniumque testem adducit: qui tamen nec de Rubria, nec de aliis istis familiis ne verbum profert; sed inter Medicos tantummodo celeberrimos memorat Cassios, Carpitanos, Arrantios, Albutios, Rubrios — quos Servos potius, quam Familiarum Principes fuisse, ut modo dixi, haud dubitandum est.

[c] T. Liv. l. 10. 1.

atque

atque exprimi videtur) ad operam aliquam singularem ea occasione Reipublicæ præstitam, seu ad sumptus Templo ejus ædificando, vel ornando postea ab ea familia præbitos, referendum arbitremur? Sed ut privatos hosce Cives omitamus; in Imperatorum sæpissime nummis eadem illa cernitur *Salutis* effigies; significans videlicet, salutem a Principe vel Imperio publicæ, vel certis quibuscumque Civibus præcipuè datam [a]; seu vota & sacrificia pro conservatione, & valetudine Imperatoris à populo, vel Civitate aliqua facta. Ex talibus autem nummis, si Imperatores ipsos medicinam exercuisse putaremus, haud magis absurdum esset, quam si Nobiles illos *Junios, Acilios, Rubrios*, Consulum adhuc ætate, Artem illam professos crederemus; quæ illis certe temporibus dedecus potius & infamiam, quam laudem, gloriamve nummis percutiendis celebrari dignam attulisset.

[a] Cum conjuratio quædam (cujus Princeps Cn. Cornelius, Pompeii magni ex filia nepos), contra Augustum esset detecta, Livie Augustæ consilio atque intercessione non veniam modo Conjuratores, sed honores & Magistratus ab Imperatore consecutos esse, tradit Dio: [Cæt. Aug. l. 55, p. 85.] In cujus rei memoriam Nummum illum percussum esse, verisimile est, in cujus averfa parte, Livie facies conspicitur, hac inscriptione; SAL. AVG. Vid. Agostin. Dial. 2 Tab. 45. Statuam etiam illam, quæ Romæ adhuc cernitur, Livieque Augustæ faciem, sub Dæ Salutis imagine exhibet, ob eandem causam, atque eodem tempore fingi credibile est. Vid. Raccolt. di Statue di Roma.—

Dum

Dum autem a Medicis contumeliam propul-
sare conatur, caveat tandem vir dignissimus, ne
in alios ipse quidem contumeliosus reperiatur;
Chirurgos velim, viros sane honestos, & Rei-
publicæ utiles; quosque a reliquis Medicis, nec
nomine, nec conditione antiquitus unquam di-
stingui, aut segregari reperio: Nisi fortasse cre-
dendum potius sit, Chirurgicam Medicinæ par-
tem, cum antiquiorem, tum majori etiam apud
veteres honore fuisse habitam. Ipse quidem
Æsculapius non aliam ob causam in Deorum nu-
merum relatus dicitur, quàm quod *Specillum*
(Chirurgorum quoddam instrumentum) *inven-*
rit, primusque vulnera obligare docuerit [a]:
ejusque itidem Filios, ad Homero tantopere ce-
lebratos, *Podalirium & Machaonem*, non ad
pestem morbosve medendos, sed ad vulnera so-
lum curanda adhiberi cernimus: *Ex quo apparet,*
inquit Celsus [b], *bas partes Medicinæ solas ab*
his esse tentatas, easque esse vetustissimas. Ar-
que ipsa Chirurgorum adeo propria ab Antiquis
existimabatur, ut nomen inde, a telis scilicet
eximendis, apud Græcos eam duxisse *Sextus*
Empiricus Auctor est [c]: *Ἱατρικὴ εἰρηλατὸν πα-*
λαιὸν ἀπὸ τῆς τῶν ἰῶν ἐξαιρέσεως. Quam qui-
dem nominis definitionem ab Homero plane
sumsisse videtur.

[a] Cic. de Nat. Deor. l. 3.

[b] Praef. lib. de re Med.

[c] Adv. Mathem. l. 1. c. 2.

Ἰηρὸς γὰρ ἀνὴρ πολλὰν ἀνέξιος ἄλλων
 ἰᾷς τ' ἐκλαμνεῖν, &c. — Iliad, λ. 514.

Hier. Mercurialis, Medicus quidem ipse doctissimus, omnes priscos Medicos Chirurgos fuisse agnoscit; atque ad Galeni usque tempora Medicamenta sibi ipsis parasse: Uti *Compertum habent*, inquit [a], *qui in Auctoribus antiquioribus*, atque Hippocrate præcipue sunt versati.

Apud veteres certe Romanos, communi Medicorum nomine cum utrosque appellari, tum utrasque simul Medicinæ partes ab eodem semper exerceri certissimum est. *Arcagathus* ille, qui omnium primus Medicinæ profitendæ causa e Græcia Romam, Anno Urbis 535, venisse dicitur [b], *Chirurgus*, ut ante dixi, fuit, tabernamque ad operam locandam publice datam habuit. *Plautus* etiam, qui eodem tempore, seu posteriùs aliquanto floruit, de *Medicis* quoties loquitur, haud alios ac *Chirurgos* esse confirmat.

Lumbi sedendo, oculi spectando dolent,

Manendo Medicum, dum se ex opere recipiat;

Odiosus tamen vix ab ægrotis venit;

Ait se obligasse crus fractum Æsculapio,

Apollini autem brachium, &c. — Menæc. 5. 3.

[a] Var. lect. 1. 1. c. 13.

[b] Plin. Hist. Nat. 1. 29. 1.

C. Marium crura tumoribus quibusdam deformata Medico secanda obtulisse legimus [a]; & secandi acerbitem sine ullo doloris indicio pertulisse. Cicero de Milite Veterano ac Exercitato loquens [b], ob vulnera fortiozem eum fieri dicit, nec requirere aliud, quàm Medicum, a quo obligetur. Catonis Medicum illum supra memoratum Chirurgi proprio munere fungentem vidimus. Gladiatorum denique Ludi singuli, ut ex Inscriptionibus plurimis apparet, singulos sibi Medicos habuerunt, in utrumque certe, tum valetudinem tuendam, tum vulnera medenda, paratos æque ac instructos.

Imperatorum autem postea temporibus, cum Civium simul & Medicorum multitudo in imensum quasi excrevisset; atque in Urbe opibus omnibus abundante, vel quælibet Medicinæ pars vectigal, quæcumque satis amplum profitentibus conficere valeret; tum primum in partes varias secari quasi, & dividi Medendi Ars; tum singulæ deinceps a singulis tractari & administrari; tum vel minima quæque corporis pars, certusve quilibet dolor Medicos sibi proprios, & unice addictos habere cepit [c]; atque

[a] Plut. in C. Mar.

[b] Tusc. Quæst. l. 2. 38.

[c] Medicos fortasse quis excipiet, etiam eos, qui aliqujus partis corporis, vel certi doloris sanitatem pollicentur: ut puta, si Auricularius, si Fistulæ, vel dentium, &c. l. 1. §. 3. Dig. de var. & extruor. cognition.

hinc denique *Clinicorum, Chirurgorum, Oculariorum, Auriculariorum, &c.* nomina effluxere : quæ tamen omnia uni interdum, eidemque adhuc competere, ex Inscriptione supra allata, atque aliis multis liquet.

Postremis temporibus, inquit Menagius [a], *partem illam Medicinæ, quæ manu medetur, ab aliis homines sejunxerunt : quando factum hoc diffidium, dixerit alius, non ego ; certe post Antoninos.* Scio autem Celsum, prout a Clerico citatur [b], multis antea annis factam hanc Medicinæ partitionem indicare videri : dubitat autem vir eruditus, an Celsus de ea, tanquam facta jam, & in usum perducta ; an de re solum utili, quamque instituendam exoptarat, esset locutus ; cum Celsi ipsius ætate, antiquum adhuc morem obtinuisse, omnesque simul Medicinæ partes ab uno eodemque tractatas sæpe esse appareat.

Quicquid vero de hac re statuamus ; hoc unum certissimum est, *Medicos, & Chirurgos* pari semper conditione & dignitate apud veteres Romanos extitisse ; viderintque tandem ii, qui constantem doctorum fere omnium opinionem, tanquam *ridiculum commentum, in opprobrium artis prolatum*, insectantur ; quam temere ipsi, nullo Antiquitatis Monumento, nullo Auctore

[a] Amœnitat. Jur. Civ. c. 35. p. 227.

[b] Hist. de la Medicine, l. 1. pt. 2. c. 9.

muniti, in alios, immerentes illos quidem & indignos, mera opprobria jaciant.

Meadius autem, ne, si nihil omnino de ignobili Medicorum veterum statu fateretur, obstinatum nimis & pervicacem sese ostenderet; concedere tandem aliquid videtur, sed tanta verborum obscuritate involutum & quasi vi extortum, ut sensum inde vix ullum quidem, nedum clarum & distinctum elicere facile valeamus: ejusque ideo verba integra huc apposui, ut solertior aliquis ea mihi expedienda suscipiat.

Nihil igitur servile, inquit ille [a], aut tenue quidem, Artem nostram adhuc dedecorat. Sed ut plane & sine fuce totam rem dicam, simul cum ingenuis multis, & doctis viris, non pauci scientiæ & fortunæ bonis inferiores, illis temporibus Romam veniebant; qui etsi non Medicamentis, sed manu curarent, Medici tamen appellabantur. Hi in divitum & Magnatum clientelam se conferebant, & Servi agebant, donec Civitatem consequerentur, inde Liberti, nomen alicujus Familiæ Romanæ sibi adsciscere solebant: neque raro, si ingenium studio literarum excoluissent, morbis etiam internis medebantur, & in Medicorum Clinicorum censum veniebant. Tali conditione fuit Antonius Musa, &c.

[a] Orat. p. 9.

Hæc ille ; sed ut mihi quidem videtur, cum verbis tum sententiis sibi ipsi plane repugnans : ut enim alia omittam ; ego sane haud intelligo, quemadmodum ii, qui e Græcia *spon*te quidem venissent, atque in Divitum clientelam sese contulissent, *Servos* deinde *Romæ agere*, iidemque *Magnatum Clientes & Servi* simul esse possent ? Hujusmodi autem omnia, (sive errata, seu minus tantum accurata vocemus) & longe quidem majora, tali certe viro facile sunt ignoscenda : cui tantis rebus occupato, otium ad hujusmodi nugæ exquirendas nullo modo suppetit ; cujusque assiduis occupationibus quantum unquam moræ interponatur, tantum sane de publicis commodis detrahitur.

Clericus autem ille, quem supra nominavi, in libro illo, quo *Medendi Artis* historiam diligenter & erudite contexuit, hanc omnem quæstionem copiose tractat [a] ; & quamvis Medicus, non dubitat tamen, quæ in utramque partem dici solent, in medium proferre, aliis judicium relinquens : in hoc tantum errare visus ; quod Sponii Autoritatem sequens, Medicos illos *Arruntium, Calpetanum, Rubrium, &c.* quos *Romanorum primos* Medicinam attigisse dicit, ex *amplissimis Civium familiis* ad eam illico accessisse credat : quasi autem illam, quæ Ro-

[a] Lib. 1. p. 3. c. 2.

mani Civis existimationi nocere plane existimabatur, *Nobiles* statim exercuisse, omnino esset credibile: idque *Augusti*, *Tiberiive* ætate, cum vel multis post annis Medici, ut supra dixi, in *humillimis mortalium* a *Seneca* adhuc numerantur.

Sed de hac omni disceptatione hætenus: nec quemquam jam existimare velim, me horum aliquid disputasse, ut Medendi arti, honestæ ei quidem atque imprimis utili, invidiam, aliquam conflarem, dedecusve inurerem: Nihil minus mihi in animo erat; quippe haud alius quisquam Medicorum plures, amicitia sibi & consuetudine omni conjunctos habet, aut habere magis cupit: quorum plerosque cognovi semper, tum Viros bonos, tum in omni fere doctrinæ genere excellentes. Nec ipsam fane quæstionem ad veram artis gloriam, laudemque pertinere omnino arbitror: etenim hoc sibi Medicina nullo modo præcipuum, sed cum aliis plerisque artibus commune habet; quod Romæ tardius olim recepta, neglecta & contempta fuerit [a]: neque *Medici* magis vituperandi, quod a priscis illis Quiritibus nullo loco habiti essent, quam *Poetæ*; quorum familiaritatem & consuetudinem M. Cato Senatori cuidam, tan-

[a] Sed a nostris Poetæ vel cogniti, vel recepti. —

Philosophia jacuit usque ad hanc ætatem, nec ullum habuit lumen Latinarum literarum. Cic. Tusc. quæst. 1.

quam probrum aliquod objecisse fertur [b]:
tota hæc disputatio in Historica quadam dis-
quisitione unice versatur; quæ etsi omnibus sane
levicula; nonnullis tamen, uti spero, nec inju-
cunda, nec homine in literis otiante indigna prorsus
videbitur; qui tamen & his fortasse graviora, uti
alias fecerit, ita in posterum etiam fit aliquan-
do in lucem editurus.

[b] Ibid.—

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DISSERTATIONIS

DE

Medicorum Romæ Degentium

CONDITIONE IGNOBILI & SERVILI,

CONTRA

ANONYMOS QUOSDAM

Notarum Brevium, Responsionis, atque Animadversionis

AUTORES,

DEFENSIO.

Qui admonent amicos docendi sunt, qui inimicos insectantur repellendi.
Cic. de Nat. Deor. l. 1.

DIS-

DISSERTATIONIS

DE

Medicamentis Reticulatis

CONTRA

ANONYMOS QUOSDAM

AUTORE

DEFFENSI O.

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DISSERTATIONIS

D E

MEDICORUM ROMÆ DEAGENTIUM

Conditione Ignobili & Servili

DEFENSIO, &c.

CUM de *Medicorum Romæ olim degentium* conditione Dissertationem meam in publicum edere statuissem, nullius mihi vel animum vel existimationem lædere propositum erat; sed cum eruditis quibuscunque atque antiquarum præsertim rerum studiosis, gratiam me potius initurum putaram, si quæstionem in Antiquitatis cognitione versatam, atque à viris doctis, etsi levitèr solummodo, at sæpius tamen, varièque agitatam, penitèr ipse perscrutandam, fusiùsque explicandam, arriperem: quippe ego, qui nisi laceffit, atque injuriæ propulsandæ causa, neminem mihi unquam laceffendum duxerim, haud tam temerariùs fuissèm ut *Florentissimi Medicorum Ordinis* inimicitias, hac meâ præsertim minùs firmâ valetudine, ultro mihi subeundas putarem.

Sed ut dicam planè quod sentiam; ego nec intelligere unquam potui, neque adhuc sanè cau-

causam videre queo, cur hæc nostra disputatio *Medicis* omnino *Stomachum* moveret; cur vè offensos inde aut indignè sese tractatos judicarent. Etenim quid si *Prisci illi Romani* de Arte ista minùs quidem, quàm oportuit, honorificè censuerint; num ad horum temporum Medicos hoc ullo modo pertinere existimabitur? Si homines, inquam, illi artium bonarum rudes, literarumque expertes, Medicinam, juxta ac reliquas artes contempserint, nec Civibus quidem suis colendam judicaverint; num hoc apud Viros graves de verâ artis laude detrahere aliquid aut imminuere poterit? Numvè mirandum est, in quâ Urbe per tot secula nec luxus, nec pecunia ferè reperièbatur, quorum alterum Morbos, alterum Medicos alit, in ea Urbe, *medendi artem* jacuisse, atque ab *Ingenuis liberisque hominibus*, quibus vitam pro suo cujusque arbitrio instituendi facultas esset, omnino rejectam ac contemptam esse?

Apud *Turcas* hodie, si peregrinantibus habenda fides, hæc eadem Ars nullo ferè loco haberi, sed à *Servis, Obstetricibus, Graculis, Judæisque* administrari dicitur: quis tamen hoc *Medicinæ ipsi* infamiam ullam, dedecusvè asferre arbitratur? quisve non Nationis ejus inscitiam potius & barbariem irridet, quæ Artem tam utilem, tamque necessariam non pluris æstimet; nec præmiis honoribusque propositis homines suos ad eam excolendam excitet?

Vide:

Videram autem, fateor, nonnullos, viros eos quidem graves atque eruditos, vel gloriolâ quâdam elatos, vel artis suæ caritate nimis fastidiosâ incensos, hanc omnem disputationem impatienter fatis, nec nisi ægro planè animo tulisse; atque in eâ refutandâ, perinde ac opprobrio aliquo à Medicis repellendo, tam vehementer elaborasse, ut sese vix à contumeliis abstinere; nec contrariæ sententiæ fautores haud aliter ac malevolos atque invidos insectari dubitarent. Horum ego intemperantiam etsi aliquantulum reprimendam esse censui, ita tamen reprimendam, ut maledicentia sanè omnis, sermonisque asperitas à nostrâ prorsus disceptatione abessent; atque ut Viros liberaliter educatos decet, non animorum contentione, sed opinionum solummodò, diffensione ad veri investigationem accederemus: quod quidem in illa *mea Dissertatione* me tam religiosè præstitisse arbitror, ut ne verbum ibi unum aut contumeliosè aut asperè nimis dictum inveniri posse confidam.

Dissertationem autem ipsam quod attinet; ea sane non nisi casu quodam, atque illo fere, quo rem exposui, modo, tum primùm inchoata, tum perfecta postea ac in lucem emissâ est: nec vereor profecto, ne quis idem mihi illud objiciat, quod *Oppugnatores quidem meos* objecisse video; tanquam causæ *a me prorsus alienæ* memet ipse immiscuisssem [a]. Quicquid enim literis man-

[a] Resp. p. 4.

detur,

mandetur, id omnium plane lectioni & judicio propositum semper judicavi, & si quid potissimum *in re literaria* ab hominibus curiosis in controversia agitatum, atque in medium semel projectum esset, id sane ab homine quovis otioso & literis dedito minime alienum esse putavi. Sin autem, quod magis suspicor, quodque fieri plane perspicio, id mihi potius crimini vertatur, quod clarissimi *Meadii* sententiam mihi impugnandam susceperim [b]; id quidem etsi haud parvo meo periculo factum fateor, quod a tanto Viro dissentire ausus essem: attamen ni petulanter aut iracunde id fecisse arguerer, cum culpa omnino ulla conjunctum esse nego; nisi omnes simul omnium temporum eruditos eodem crimine condemnemus, qui inter se discrepare ac contra disputare, quotiescunque res postuleret, nunquam dubitaverint; nec nisi ejusmodi contentionibus *verum* unquam investigari, literarumve studia vigere omnino, aut radices agere posse existimaverint [b].

Istud autem meum opusculum haud citius in publicum prodiit, quam ad me statim perlatum est, responsi mihi aliquid parari, nonnullosque ingenio & doctrina præstantes, qui contra me scriberent, meamque sententiam refellerent, a *Medicis quibusdam* delectos jam & designatos esse: quo quidem nuntio tantum absuit,

[a] Ib. p. 201. It. Animad. br. p. 42.

[b] Cic. Tusc. qu. 2, 2.

ut molestiæ mihi aliquid crearetur, ut gaudio potius tacito ac voluptate memet inde affectum senserim. Quippe illud, cum omnibus veri tandem investigandi, tum mihi præsertim, haud multum occupato, honestam quandam otii conterendi occasionem præbiturum esse putavi: nam mecum ipse ab initio plane statueram, aut sententiam meam, a quocunque impugnata fuerit, defendere ac confirmare, aut si ob rationum contra adductarum vim id mihi minus liceret, manus ultro dare, meque victum plane ac deceptum libere & publice confiteri.

Hac igitur expectatione dum plenus, erectusque stabam; prodire tandem contra *Dissertationem meam Notæ quædam breves*, ab Anonymo quodam conscriptæ; leves illæ quidem & futes, nec dignæ sane, quæ alio modo a me tractarentur, ac quo ab omnibus eas tractari intellexi, contemptu scilicet & neglectu. Sensi enim illico, illas non istud esse majorum lucubrationum opus, quo sententiam meam refutantam atque evertendam nonnulli jactitarent; vidi plane tam debilem imperum tanti belli famæ haud quaquam respondere; nec *Notulas istas* aliud esse reputavi, ac Velites quosdam, levissime armaturæ milites, in me ante emissos, ut me vexarent aliquantulum atque occupatum tenerent, quoad legiones, quæ armorum pondere lentius progredi cogerentur, ad pugnam adessent.

Nec me profecto animus fefellit ; quippe sub *Responsionis titulo* in lucem tandem venit, etsi longo satis intervallo, diu meditatam opus, vel ipso aspectu & magnitudine terribile : utpote *Dissertatiunculam istam meam* vel decies circiter paginarum numero exuperans : quasi auctor noster, quod alios nonnunquam factitasse accepimus, ipsa libri sui mole & pondere controversiam penitus omnem delere atque obruere cogitasset. Libro autem ipso in manus statim arrepto, atque avide satis perlecto, haud dici facile potest, quàm mira illicò expectationis meæ omnis frustratio consecuta est : nam vix tantæ molis librum me antea unquam vidisse memini, in quo tam pauca aut observatu digna aut lectu jucunda invenissem : de me vero omnia non nisi acerbe ac malevole dicta animadverti ; & quasi non de re *prorsus levicula*, sed de *Religionis ipsius veritate* certamen institutum esset ; singula fere minutatim agitata, exaggerata, atque a meo sæpe sensu detorta vidi : ut Auctor non tam ad causam aliquam defendendam, quàm ad me accusandum *Orator* adhibitus videretur : quamvis enim nomen ille suum celavisset, sensi tamen hominem e *Rhetorum turba* conductum esse oportere ; cui scilicet generi concessum novimus, omnia *tragicè ornare, augere, ementiri* [a] : is mihi solum scrupulus restabat, quòd in ejus quidem sermone nihil planè, quod *Rhetorem*

[a] Cic de Clar. Orat.

oleret, nihil venustatis, nihil ornatûs, sed inculta potius omnia nec satis Latina invenirem.

Hujusmodi itaque Scriptorem haud magis quam alterum illum (cui neutiquam sanè eum anteferendum censeo) cogitatione ulla meâ, aut animadversione dignum judicasset; ni hunc potissimum hominem a *Clarissimo Meadio* ad hoc *Respondendi munus* delectum; librumque ipsum *ejusdem cura & sumptibus* in lucem emissum; amicisque suis *manu propria inscriptam & dono a Meadio ipso missum* intellexissem. Quibus non dubie ad me perlatis, non nihil ipse commotus, veritusque ne, præ nimia quadam mei ipsius caritate, haud satis rectè de Adversarii mei meritis statuissem, librum ejus relegi; in quo quidem etsi quæstionem ipsam quod attinet, nihil ferè, ut ante dixi, quod refutatione dignum videretur, inveni; cum tamen memet ubique perindè ac in *Notis istis brevibus*, tanquam *Calumniatorem* [a], *Criminatorem*, *Malevolum* tractatum videram; idque tanti viri judicio comprobatum, ejusque jussu ac opera in publicum evulgatum; illud demum mihi ipsi & existimationi meæ deberi arbitrabar, ut opprobria tam indigna refellerem; ostenderemque ejusmodi convitia non eos unquam attingere posse, qui nominis & famæ reverentia, tanquam pignoribus datis, adstricti, ad controversias literarias descendunt; sed *conducti-*

[a] Resp. p. 85, 134, &c]

tiis solummodo *scriptoribus* istis convenire, qui existimationis nullum prorsus aut periculum subire, aut jacturam facere possunt, sed tenebris atque obscuritate tecti in quosvis sibi designatos, quasi ex insidiis impetum faciunt, & quamlibet causam defendendam, quemlibet hominem lacerandum mercede pactâ suscipiunt.

Hæc dum mecum ipse meditabar; tertius quidam in publicum prodiit sub *Animadversionis brevis*, titulo contra me conscriptus libellus; quem quidem intellexi subito, tum stilo, tum Materia consimili ex eodem illo *Notularum Auctore* profluxisse: quippe nihil fere aliud fecisse *Animadversor* videtur, ac eadem omnia recoquere, quæ antea disputarat, sed nova quadam luce donata, novo ordine disposita, atque ut ei videtur, jocos quibusdam & salibus conditiora. Ego vero, quoniam scribendo plane inexpertus homo videtur, hoc ei consilium dare velim, ut sese posthac a facetiis absterneat; hoc, mihi crede, non illi a Natura datum; quam in re omni ducem sequi oportet: & si ex arte sua victum, laudemve quærere studeat, non ingenii viribus, sed industria penitus & labore rem ei conficiendam video.

In hac vero, quam nunc aggredimur, certatione, propter *Clarissimi Meadii* nomen atque auctoritatem a me, ut modo dixi, suscepta, ne, si alteri responderem, alterum vero, nec illum magis quidem indignum, negligere, injustus

injustus cuiquam viderer ; statui sane omnibus simul, una fere eademque opera respondere. Primum igitur, ut ratione & via quadam procedamus, *Notas istas breves*, quia primæ illæ quidem prodierunt, haud alio plane, ac quo occurrunt, ordine, considerare visum est ; atque eodem tempore, si quæ vel ejusdem vel consimilis argumenti in *Responsionis Auctore* animadvertero, ea simul omnia in unum conferam, atque uno labore absolvam : deinde ad *Responsionis auctorem* me totum convertam, & reliqua omnia, quæ sibi propria habuerit, separatim perpendam ; non immemor interea *Animadversionis* etiam *brevis*, si quid Auctor ejus vel novi, vel notatu digni attulerit ; quod rarius tamen fiet, propterea quod is, ut dixi, haud aliud fecisse videtur, ac ea quæ antea dicta essent, verbis atque ordine paululum immutatis iterare.

Sed antequam in aciem ipsam descendamus, operæ pretium erit, de controversiæ hujus statu nonnulla breviter præfari, & questionem ipsam ita definire, ac limitibus circumscribere, ut constituatur quid & quale sit id, de quo disceptamus ; quod ni fiat, vagabitur nimis hæc omnis disputatio, neque certam tandem ullam stabilemve sententiam elicere inde poterimus.

Itaque hoc potissimum a lectore animadvertum velim, ea omnia, quæ de *Medicorum Conditione* a me sunt disputata, ad eam *Urbis Romæ*

Dissertationis de Medicorum Romæ Degentium
etatem, quæ *Cæsarum* temporibus antecessit, re-
ferri omnino oportere; hos mihi in *Disserta-*
tione meâ controversiæ hujus terminos constitui:
per id temporis spatium, quod septingentos
circiter annos complectitur, *Medicinam* non nisi
a *Peregrinis*, *libertis*, *servisque* penitus admi-
nistratam fuisse contendo; *Artemque ipsam* tanto
in contemptu a *Populo Romano* habitam reperio,
ut professio ejus *Civium omnino existimatione in-*
digna judicaretur; atque eorum adeo ne unum
quidem, qui eam unquam attigerit, ostendi
posse existimo. Qui verò hanc sententiam im-
pugnant, ea, quæ de *Medicis Servis* a Veteri-
bus tradita reperiantur, non de *Medicis propri-*
dictis, sed de *Chirurgis*, eisque solummodo, qui
inferiores atque operarias *Medicinæ* partes trac-
tabant, intelligenda prorsus esse disputant: atque
hinc alia statim de *Chirurgis* enata quæstio est;
videlicet, num iisdem illis temporibus *Chirur-*
gorum & Medicorum conditio diversa omnino,
aut ab invicem sejuncta fuerit; numve *Medica*
Artis *partitio* ulla tunc temporis facta esse ap-
pareat. Ego verò, quantum cum ex *Scripto-*
ribus antiquis, tum *Medicis* præsertim nostro-
rum temporum eruditissimis, qui in hac ipsa
causa perquirenda quàm maximè elaborarint, in-
vestigare ac colligere valuerim; haud ullam
Artis hujus partitionem, ullamve præsertim *Me-*
dicorum & Chirurgorum distinctionem per id om-
ne temporis intervallum fieri reperio; sed utros-
que cum eodem nomine appellari, tum eodem
loco & conditione haberi video: quod quidem et si
generatim

generatim verum esse credo, haud ita tamen verum, quin quod omnibus universim enuntiatis accidere solet, huic itidem veritati unam alteramve forsitan exceptionem opponi posse existimem; neque aliam omnino regulam huic nostræ quæstioni constitui debere arbitror, ac quam omnibus constitutam novimus; videlicet, *res quasvis ex majori semper parte nominari oportere, etiam si pars aliqua abesset* [b].

Quisquis igitur hanc meam opinionem sibi refellendam suscipiet; is primùm terminos huic omni disputationi positos animadvertat & consideret necesse est; quæstionemque sese tractare meminerit, tum loco tum tempore certo definitam & circumscriptam: nihil attinet in hac causa de Medicorum divitiis, honoribus, artisque dignitate puerorum more & sine ulla temporum distinctione declamare; ostendat mihi, si poterit, *homines aliquot Romanos* in eo temporis spatio *Medicæ Artis studio & professione* florentes: ostendat mihi *Medicos* non nomine modo, sed conditione atque honore a *Chirurgis distinctos*: atque hoc si quis fecerit, tum demum redargui memet & confutari plane fatebor.

Sed ad *Annotatorem* jam nostrum descendamus; qui etsi literis istis M. D. libelli in fronte adscriptis, sese tanquam *Medicinæ Doctorem* nobis venditare sperat, mihi tamen haud facile

[b] Cic. Tusc. qu. 5:

persuaserim, homini tam imperito tamque inepto, *Academias hasce nostras* honorem unquam istum detulisse: Crederem potius, si quam ex stylo ejus conjecturam facere liceat, de *Medicorum istorum* grege eum esse, qui fora circumire, ex pulpitis perorare, laudesque suas, artisque gloriam ad populum prædicare solent. Etenim quid aliud nobis indicare, quid aliud nobis indicare, quidve aliud olere videtur oratio ista vehemens ac turgida? Quid aliud illæ repetitæ toties ad populum exclamationes? Jam illa reputate, quæso, quæ de *Ajclepiade, Medico celebri, memoriæ tradita sunt* [a]: legatis, quæso, locum *Plinii de quæstibus Medicorum* [b]: videte, quam ingentes *Medici Romani confecerint pecuniæ summas* [c]: quæso locum ipsum inspicite [d]: utcunque vero de hac re statuamus, hoc unum certissimum est, in *notis hisce brevibus* vel ingenii vel modestiæ ne minimum quidem signum reperiri, nisi quod Auctor nomen suum tam industriè celaverit, quasi temeritatis atque ignorantiae suæ conscius.

Ego vero cum *Dissertationis meæ* initio dixissem, *apud veteres Romanos, per prima aliquot ab Urbe conditâ secula, medendi Artem, non modo minùs excultam, sed ne cognitam quidem esse, ex monumentorum omnium silentio suspicari nos posse.* Exclamat illico *Annotator hiccè* [e];

[a] Not. br. p. 8.

[b] Ib. p. 15.

[c] Ib. p. 16.

[d] p. 17.

[e] p. 4.

initium

initium ejus, lectores, advertite. De illorum conditione scribere virum doctissimum videtis, quos ne fuisse quidem suspicatur. Inde potestis intelligere quanta sit ejus in scribendo diligentia & accuratio. Annon vero, homo acute, id scriptoris quam maxime diligentis, atque accurati est, rem in controversia agitatam ab ipsis fontibus exquirere, ab ipsis primordiis investigare? Annon de Arte Medica, disputantis; illa quo primum tempore cognosci, quo deinde excoli cœperit, exponere?

Sed omnino gravius Middletoni erratum, inquit [a], extemplo licebit agnoscere, quo tanquam fundamento nititur universum opus. Quod disputaram scilicet, doctorum perplurium auctoritate, *Medicinam Clinicam & Chirurgicam* ab eodem homine semper exerceri, nec *Chirurgos* a cæteris *Medicis* antiquitus unquam distingui, quippe ex illa de *Medicorum Conditione* disputatione, aliam, ut supra dixi, tanquam e radice lenatam vidimus de *Medicinæ partitione* quæstionem, quam alii certe omnes prioris ejus *appendicem*, seu *consequens* quoddam dicerent, noster autem hicce *fundamentum* ubique appellat. Itaque *labefactato*, inquit, *ipsum fundamentum corrui totum opus* [b]. Sed fundamentorum hicce everfor, videamus jam, quemadmodum opinionem meam refutet.

[a] pag. 4.

[b] p. 13.

Et quoniam in hanc disputationis partem, etsi loco quidem haud satis idoneo, incidimus, ne eadem sæpius iterando lectori molestus essem, huc etiam illa quoque, quæ de eadem re *Responsionis Auctor* disputaverit, conferre visum est; præsertim cum communia fere inter se omnia utrosque habere video. Primum enim utrique se *unico Corn. Celsi* loco causam hanc omnem expedire, remque conficere posse censent; quo scilicet loco *Celsus* de *Medicina partitione*, tanquam suo tempore *Romæ usitatâ*, loqui videtur [a]. At in omni quæstione dijudicandâ, quæ certi cujusdam temporis limitibus continetur, id omnino spectandum est; non tantum quid de re ipsa in controversia posita Auctores tradant, sed ad quæ potissimum tempora eorum verba referri debeant: de *Celsi* autem tempore nihil prorsus *Annotator noster* attulit; at *Tiberii ætate* eum floruisse *Responsionis Auctor* dicit [b], de quo tamen inter Auctores haud satis constare credo; convenit solummodo inter omnes eum *Cæsarum temporibus* vixisse; quod cum ita sit, cumque *Celsus* præsertim hoc ipso loco a *Viris eruditissimis* adducto *Medicinae divisionem*, utcumque apud alias gentes diu invaluisse, at *Romæ* tamen nonnisi suo tempore *recentem nec diu usitatam* indicare plane videtur [c]; hoc ejus testimonium, utcumque

[a] Not. br. p. 6. it. Respon. p. 179.

[b] Resp. p. 162.

[c] Ac *Romæ* quoque non mediocres Professores, maximeque nuper *Tryphon*, &c.

luculentulum atque *opportunum* viris hisce videatur, haud quicquam tamen contra meam sententiam probare, nec causam fere ipsam attingere ab aliis certe omnibus judicabitur.

Ego vero, ut quisvis facillè conjiciet, haud *Celsi* omnia perlegisse præ me fero; mihi satis esse duco, quòd de *Medicis ipsis* doctissimos quosque sententiæ meæ auctores habeam, quodque eos omnes qui in veterum scriptis evolendis quam diligentissimè fuerint versati, eadem hæc omnia de *Medicinæ divisione* credidisse semper & disputasse reperiam: *Clericusque* ille potissimum, qui *totius Artis historiam* contexuit, quique non unum alterumve *Celsi* locum, sed omnes ejus libros ad hoc ipsum investigandum perscrutatus est, sese tamen dubitare planè fateatur, an *Medicæ Artis partitio Celsi* adhuc *etate re vera facta & in usu omnino Romæ fuerit*.

Hoc autem in loco *Responsionis Auctor* mirum sane nobis tum ingenii, tum modestiæ suæ specimen præbet, qui mihi, uti alias sæpe videbimus, *Clerici* locum istum corrumpendi atque ad sensus meos detorquendi crimen objicit; quippe *Clericum* non modo de *Medicinæ partitione istâ* nihil dubitare, sed *contrarium planè* ex ejus verbis colligi posse fidenter atque apertè affirmat [a]. Ego vero contra; nullam mihi fidem nec in hac, nec aliâ quâvis causâ haben-

[a] Resp. p. 190,

dam posco, ni ex *Clerici* tum verbis tum sententiâ illud ipsum, quod dixeram, significari penitus appareat. *Clericus* enim, postquam ex *Celsi* verbis, sensuque, *Medicinæ in tres partes divisionem* explicuisset, ita denique concludit: *Soit que la chose se pratiquât effectivement ainsi de son temps ; soit qu'il ait voulu simplement marquer comme elle devoit aller [a].* Quod ita quidem vertere licet ; *siue tamen Celsi ætate partitio ista reverà ita in usu fuerit ; siue id tantummodo in animo Celsus habuerit, ut significaret, quemadmodum ea fieri debuisset,* atque hanc, ut memini, dubitationis suæ rationem *Clericus* adjungit, quòd eam adhuc consuetudinem, vel *post Celsum*, in usu mansisse invenerat, ut omnes simul *Medicinæ* partes a *singulis Medicis* unà exercerentur. Itaque si *Celsi auctoritas* in hac quæstione aut nihil, aut parum valere poterit ; multo certe minus *Galenus*, quem posterius vixisse novimus, quemque alterum sententiæ suæ auctorem noster hicce adducit ad hanc omnino causam advocandus erit : quod quidem videre, & concedere plane *Responsionis Auctorem* sentio [b]. *Galen*i igitur testimonio contra opinionem meam pro-lato, nihil opus est, ut quicquam prorsus respondeam.

Pergit autem ostendere *Vir acutus*, quam *opinion*i ipse *adverser meæ* [c], qui *Archagathum* il-

[a] Vid. Resp. p. 191.

[b] Resp. p. 185.

[c] Not. br. p. 8.

lum, quem primùm Medicinæ exercendæ causâ Romam venisse legimus, *Chirurgum* fuisse confitear. Ego verò quidni *Archagathum* *Chirurgum* appellem, qui non eum solum, sed *Medicos etiam omnes*, quotquot *Romæ* deinceps vel aliquot post seculis artem suam exercuerint, *Chirurgos* fuisse, omnesque simul Medicinæ partes semper tractasse contendo, multisque exemplis probavi: quodque *Archagathus* iste vulnera curasse dicitur, id sententiam meam non evertere certè, sed confirmare potius judicabitur; nisi ex priori, ut aiunt, esset demonstratum, eos, qui *Chirurgicam Medicinæ partem* tractare solerent, nullam unquam aliam omnino attigisse.

Sed idem hocce de *Arcagatho* argumentum pluribus etiam persequitur *Responsionis Auctor*; dicitque sibi perspicuum videri, eum *nil nisi Chirurgiam* exercuisse, propterea quod a *Plinio vulnerarius* appelletur [a]: quasi nomen istud non idcirco adipisci potuisset, quod *vulnerum præcipue curationi* sese applicuisset, quodque eis magis quàm *morbis medendis* peritus ac expertus habebatur; utpote qui partem eam, in *Urbe* scilicet *bellicosâ*, reliquis forsitan pluris æstimari observasset. Cum vero propter *Archagathi* hujus in vulneribus curandis sævitiam, & *artem ipsam & omnes medicos in tædium cito transiisse* discimus; causam sane nullam, quamobrem id fieret, videre queo; ni illis quoque temporibus

[a] Resp. p. 182.

cæteri etiam Medici eodem planè modo artem suam exercuissent & quod *Archagathum* fecisse contendo, reliquas simul *Medicinæ partes* unà cum *Chirurgicâ* omnes administrassent.

At *Asclepiadem* denique *Medicum*, *Pompeii* ætate celeberrimum *Chirurgiam* omnino non attigisse *Annotator noster* affirmat; idque librorum [a] ejus inscriptionibus declarari ait; propterea quod inter opera ejus, quorum tituli solummodo aliquot nobis jam restant, nihil omnino de *Chirurgia* ab eo scripti memoriæ proditur: atque hoc idem à *Responsionis* quoque *Auctore* disputatum videmus [b]. Præclarum sane Argumentum! quod vix alius, præter hoc eruditorum par nobile, excogitare unquam potuisset: *Asclepiades* nihil de re *Chirurgica* aut scripti reliquit, aut quod reliquisset, periit; erga *Chirurgiam* non omnino attigit. Sed non vident *Viri ingeniosi*, *Asclepiadem* dum *Chirurgum* fuisse negant, at *Pharmacopolam* saltem fuisse, eodem illo Argumento concedant necesse est; scilicet quod de *medicamentorum compositione* eum scripsisse fateantur. *Asclepiades* vero ipse, cum in *Anginis curandis* novam quandam curandi rationem instituisse traditur [c], a *Chirurgica artis parte* non omnino manus abstinuisse videtur.

[a] Not. br. p. 16.

[b] Resp. p. 197.

[c] Plin. Hist. Not. l. 26. 3.

Annotator autem *noster* tanquam rem omnino claram, certamque esse demonstrasset, hanc tandem conclusionem ex præmissis istis elicit : *Ergo fuit, inquit [a] Roma Asclepiades Medicus Clinicus, nec Chirurgiam omnino attingens ; An-ebagatibus vero Chirurgus, nec reliquam Medicinam tractans ; etiam ante Imperatorum tempora. Ego vero si hisce ineptiis quicquam serio respondere aggrederer, memet sane, vel hominibus hisce ipsis insipientiorem censerem debere judicarem.*

Sed ad reliqua convellenda homo progreditur ; & neque minus, inquit, id *Middletoni* erratum est, ubi ex *Mercurialis* auctoritate, omnes Medicos usque ad *Galen*i tempora sua medicamenta parasse ait [b]. Ubi candoris, æquitatisque ejus specimen obiter notare libet ; non contentus enim meos omnes errores infectari, aliorum mihi errata imputat ; & cum *Mercurialis*, viti eruditissimi verba, sententiamque exhibuissim, non minus me errasse dicit, quàm si ex meipso essem locutus, meosque penitus sensus protulissim. *Mercurialem* verò *Plinii* ipse testimonio refellere conatur [c], quo loco *Plinius* Medicos quidem severe reprehendit, quod a Medicaminibus conficiendis, quod proprium esse *Medicinæ* solebat, sese abstinere cœpissent, & præ medicamentorum ignorantia, quo-

[a] Not. br. p. 10.

[b] Not. br. p. 12.

[c] Not. br. p. 13.

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rum vel nomina pars major ignorabat, ab aliis emplastra & collyria mercari coacti essent. Hæc autem verba haud satis attendit *Vir doctus*, quàm contra suam ipsius disputationem faciant, dum probant *Medicos* vel iis temporibus *Chirurgorum* munere aliquo fungi, atque *emplastra* & *collyria*, utcunque ab aliis facta & parata, suis tamen manibus tractare, atque ad usus destinatos applicare solere. Cum autem *Plinius* ipse *Galenum* haud longè ætate antecessit; hæc ejus verba *Mercurialis* itidem opinionem confirmare potius quàm evertere videntur, præsertim si ut omnia generatim dicta intelligi debent, eam non nimis severè ac restrictè accipiamus: quod quidem a *Responsionis* etiam *Auctore* concessum planè animadverto [a].

Antequam vero hanc de *Medicinæ partitione* disputationem concludamus; ego sanè, qui nec in hac, nec in aliâ quâvis quæstione aliud mihi propositum habeam, ac quod verum, aut veri saltem simillimum sit, investigare, nequeo hic dissimulare, *Responsionis* illum, atque *Animadversionis brevis* Auctorem, locum quendam *Ciceronis* adduxisse, qui ad causam suam haud parum valere videtur [b]: quod idem sane alias etiam,

[a] Resp. p. 187.

[b] Resp. p. 182. it. Animad. br. p. 39. verba Ciceronis hæc sunt. Tum Crassus, Non in hac, inquit, una re, Catule, sed in aliis etiam compluribus, distributione partium, ac separatione, magnitudines sunt artium diminutæ. An Tu existimas, cum esset Hippocrates ille

etiam, nec minus quidem liberè faterer, si quid apud eos solidi unquam aut probabilis invenissem. Atque hunc ipsum locum ego quidem post *Dissertationem* meam editam observaram, cumque amicis communicaram; quo scilicet indicare *Cicero* videtur, *medendi artem* vel *sua aetate* in *diversas partes* distribui, *singulasque a singulis* interdum administrari solere: quod quidem etsi non satis perspicuum sit, utrum de *Medicina*, uti tunc in *Græcia*, an uti *Romæ* exercebatur, accipiendum sit; concessio, tamen ad *Medicos* potius *Romæ degentes* id pertinere; at non inde tamen sequitur morem illum *universè* ac *generatim* tunc obtinuisse, sed aliquatenus solummodo processisse; quod tum ex eis, quæ in *Dissertatione mea* dixeram, tum innumeris aliis Auctorum veterum locis probari facile poterit.

Quod autem magis ad rem nostram est; ex hoc eodem loco videre possumus, quàm longe aliter *Cicero* de vera *Medicorum* laude ac præstantiâ, ac illi, quibuscum rem habemus, iudicaverit: *nostri* enim *Medicorum propugnatores* eos tantum *servilis* [a] atque *abjectæ sortis* fuisse asserunt, qui *omnes simul medicinæ partes, morborum* scilicet *vulnerumque* curationes una profiterentur [b]; *Insignes autem viros, ac arte*

Cous, fuisse tum alios *Medicos*, qui morbis; alios qui vulneribus: alios qui oculis mederentur? De Orat. l. 3. 33.

[a] Resp. p. 193.

[b] Ib. p. 222.

cele-

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celebratos uni tantum parti se totos addixisse —
 itaque *Clinicum* solummodo *Medicum* fabulæ
 suæ *Heroem* constituunt; eum solum & virum
 magnum & *Medici* nomine dignum judicant: si-
 quis vero *Chirurgiam* vel digito attigerit: de
Medicorum statim classe ac professione dejiciunt.
 At *Ciceronem* contra, quàm longè diversa &
 contraria plane omnia de *Medicorum* dignitate
 sensisse videmus? qui *hæc medicinæ partitione*
artem ipsam discerptam, ejusque laudem &
magnitudinem imminutam indicat; nec se eos in
medicis magnis atque excellentibus numerare osten-
 dit, qui vel *morborum* vel *vulnerum medicinam*
separatim atque *unicè* profiterentur, sed qui,
Hippocratis exemplo, nullam medicinæ partem
negligentes, aliùve sigillatim exercendam relin-
quentes, universam simul artem complexi atque
unà professi fuerint: cumque hæc ab eo dici
 cernimus, qui eodem illo libro *Asclepiadem*, uti
Medicum eximium atque amicum suum lauda-
 verit; nonne verisimile inde videtur *Asclepiadem*
ipsum de eorum numero esse, qui non *excerp-*
tam aliquam medicinæ partem, sed qui universam
essent professi.

Utcunque vero *Medicorum* & *Chirurgorum*
 disjuncta & propria fuisse munera confitea-
 mur, (quod tamen non generatim verum esse
 certissimum est) nullo tamen modo sequitur,
diversas propterea eorum conditiones, aut vitæ
sortes fuisse; sed in eo saltem temporis spatio,
 intra quod hanc nostram disputationem conclu-
 simus,

simus ejusdem certe loci atque ordinis utrosque semper habitos esse apparet; ni in *Urbe*, ut supra dixi, *bellicosa* verisimile magis videatur, *Cbirurgos* seu *vulnerum medicos* majori potius in pretio fuisse: ex omnibus enim *Romanorum Veterum Medicis* duos potissimum Auctores nostri secernunt, quos *veros* ac *Germanos Cbirurgos* fuisse affirmant, *Archagathum*, atque *Alcon-tem*; eum, quod *Vulnerarius*; hunc, quod *vulnerum Medicus* dicitur [a]: quorum alteri tantos sane honores, quātos nulli unquam *Medico*, ante *Cæsarum ætatem*, habitos cognovimus; *Civitatem datam*, *tabernamque publice emptam*: Alter vero, sub *Claudio Imperatore*, in eorum numero a *Plinio* celebratur, qui maximos atque incredibiles fere quæstus ex arte sua confecerunt. Habeant igitur homines nostri, si velint, quod tantopere contendunt, *istos* scilicet *duos*, *verè ac propriè Cbirurgos* fuisse; hoc tamen nobis concedere necesse erit, eos, si non majori, at pari saltem eum *cæteris Medicis* honore fuisse.

Sed de *Medicæ artis partitione* jam satis dictum opinor; ad ea igitur pergamus, quæ de ipsa *Quæstionis summa*, de *servili* scilicet *Medicorum conditione* *Annotator hicte* disputat. Atque hic conqueri eum graviter, meque infimulare video; quod *Medicos malitiosè deprimere studerem* [b]; quod, *siquid in eos congerere*

[a] Plin. Hist. N. l. 29. 1.
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[b] Not. br. p. 23.
possem,

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 possem, de veritate non essem sollicitus [a]. Quod,
 quæ de humillimas Medicinæ partes tractantibus
 dicta usquam reperissem, in universos artis Pro-
 fessores transtulissem [b]: quòd, ea de Medicis
 generatim asseruissem, quæ [c] non de Medicis
 Clinicis, nec Chirurgis quidem bonis, sed de Pble-
 botomis solummodo, Auriculariis, Herniariis, re-
 anctoribus, enematumvè administratoribus intelligi
 debere contendit.

Ego verò contra; etfi de Medicis Veteribus
 alios aliis longe præstitisse sciam: Utque inter
 Annotatorem, qui Medicinæ sese Doctorem jacti-
 tat, scriptis verò Artem dedecorat, Principesque
 illos viros, qui non Arti suæ solummodo, sed
 genti etiã toti scriptis suis gloriam afferunt,
 immane quiddam discrepare videmus; ita Romæ
 quoque nonnullos olim tum scientiã, tum famã,
 magnorumque familiaritate cæteris omnibus an-
 tecelluisse necesse est: hos tamen universos,
 cum doctos, tum indictos, cum summos, tum
 infimos, absque ullâ exceptione, Græcos certè
 aut Peregrinos, sed maximam longè partem
 Servos & Libertos fuisse, affirmare haud dubi-
 taverim.

Etenim num omnino cuiquam credibile viden-
 potest, magnos illos Reipublicæ Romanæ Prin-
 cipes, quos Medicos Servos in familiis suis semper
 habuisse cognovimus, non Artis peritissimos quos-

[a] Ib. 13.

[b] Ib. 14.

[c] Ib. 17.

que ex Asiâ, Græciâve conquiſiſſe, ſed *Aricul-
larium* ſolummodo; vel *reunctorum* aliquem do-
mi apud ſe tenuiſſe? Num *Conſules* ac *Impera-
tores*, quos *Medicos* *Servos* ſecum ſemper in
provincias eduxiſſe legimus, *Pblebotomo* alicui
vel *Unguentario* valetudinem ſuam commiſiſſe pu-
tandum eſt? Num denique veriſimile eſt, *Cæ-
ſarem Auguſtum*, cum *Germanico* in acie militanti
Medicum *Servum* unâ cum *C. Caligula* tunc infantulo
mitteret, *enematum* ſolummodo *adminiſtratorem*,
annon *Medicum* potius gravem, fide & ſcientiâ
præſtantem, de *Servis ſuis* miſiſſe? De hoc ſane
neminem præter hunc *Annotatorem* dubitare poſſe
certò ſcio.

Ille verò huic meæ diſputationi *Aſclepiadis*
Medici famam & dignitatem opponit. *Repu-
tate, quaſo*, inquit, *quantus vir fuit Aſclepia-
des* [a] *quantam apud ſummos viros auctoritatem*
ſit conſecutus; adeo ut non gravaretur ille Ro-
manæ eloquentiæ Princeps *Cicero*, cum, ut *amicum*
ſuum concelebrare. Qui quidem bonos ſummos ha-
beri poſſet; ni major etiam ipſi contigiſſet: etenim
a *Mithridate*, maximo Rege ſolicitatus eſt, ut ad
illum veniret. En verò alterum hominis speci-
men! qui *Ciceronis* amicitiae & familiaritati,
lucrum, ſtipendiumque a Rege barbaro oblatum
honore anteponit. Sed *Aſclepiadem* longè aliter
ſenſiſſe videmus, qui maluit, in illa Urbis luce,
laude & gratia apud *Optimates*, quàm apud

[a] Not. br. p. 8, 9.

*Dissertationis de Medicorum Romæ Degentiam
Mithridatem opibus florere. Asclepiadis autem
hujus honores, utcunque magnos eos fuisse con-
cedamus, ad hanc tamen causam nequaquam
pertinere contendo: de ejus enim conditione
nihil fere memoriæ traditum habemus, nisi quòd
e levissima gente, & sine ullis opibus, ex Rhetore
Medicus evaserit [a]: & quantuscunque demum
fuerit, nec nominis famâ, nec honoribus, vitæ-
que splendore cum Antonio Musa conferendum
existimo: quem tamen servum fuisse cognosci-
mus; atque Asclepiadem igitur nisi hominem Ro-
manum, nisi non servum, nec Græcum fuisse
Auctor noster probaverit, nihil omnino contra
meam sententiam disputare a viris doctis cen-
sebitur.*

Neque illa minùs futilia, minusve ab hac
omni quæstione aliena, quæ de *Artis Medica
fructu* olim ingenti, opibusque Professorum homo
eruditus differit. *Legatis quæso*, inquit, *locum
Plinii de quæstibus medicorum* [b]: quasi de
divitiis, & non de conditione Medicorum dispu-
tatio nostra instituta esset: nos autem, ut ait
Cicero [c], *neque divitiæ movent quibus omnes
Africanos & Lælios multi Venalicii & Mercatores
superarunt.* Sed noster hicce cum Medicos suos
divites fuisse ostenderit, omnia se probasse pu-
tat; nec scire planè videtur, quod Romæ sæ-
pissime contigisse legimus, magnorum scilicet

[a] Plin. Hist. Not. l. 26. 3.

[b] Not. br. p. 15.

[c] Orator.

Virorum tum *Libertos*, tum *Servos*, qui apud Dominos suos gratiâ flourerent, ingentes sibi opes ac potestatem adipisci solere: quorum nonnullis *vel Prætoria interdum Ornamenta decerni legimus*; tantumque non cum laureatis fascibus remitti illo, unde cretatis pedibus advenissent [a]; De quo quidem argumento, librum me alicubi vidisse memini, de *eis* scilicet *Servis* conscriptum; qui summam sibi auctoritatem, immensasque divitias ex *Servitute* confecisse a Veteribus memorantur, *Pliniusque*, in celebri illâ ad *Trajanum Oratione*, non dubitat dicere, *Imperatores ipsos, cum essent Civium domini, libertorum tamen fuisse servos*. Quid igitur, Vir ingeniose, de his tantis Viris constituendum putas? Annon in *Servorum & Libertorum* propterea grege numerandos censes, quod gratia, opibus, auctoritate eos floruisse accepimus? Numve eadem planè omnia de *Divite tuo* cogitas, quæ *Stoici de Sapiente suo* jactitant, eum videlicet vel ex *infima sorte Nobilem*; vel in *Servitute Liberum* esse.

Vides jam opinor, aut si tu quidem minùs, at alii certe omnes vident *Notarum tuarum* futilitatem: Ego *Medicos Romæ degentes*, præsertim ante *Cæsarum ætatem*, aut *Servos* aut *Libertos*, aut *Peregrinos* saltem omnes fuisse disputo. Tu verò, qui *fundamenta mea* labefactas, qui me *Calumniatorem* appellas, quid

[a] Plin. Hist. Not. l. 35. 18.

tandem contra affers ? at contra *legatis quæso*, inquis, *locum Plinii de quæstibus Medicorum*. Nihil scilicet aliud ostendere conaris, ac *Medicorum* nonnullos *Artis famâ* floruisse, *magnos quæstus* fecisse, *Optimatibus caros* fuisse, idque non nisi *Cesarum temporibus* ; quæ tibi omnia, absque ullo causæ meæ detrimento, lubens concedere possum,

Sed commoveri jam atque irasci planè hominem video, quòd *Sexaginta Solidos* pretium olim fuisse *Medicis servis à jure Civili* constitutum observassem : exclamat illicò, *an vobis hoc credibile est [a] ? an quemquam ex Romanis creditis tam amentem fore, ut tantum hominem tam parvo pretio venderet ?* credere scilicet videtur *Vir doctus*, atque *Antiquitatis tantopere intelligens*, me de *nostris* omnino *solidis* esse locutum ; clausulamque illam, quam in *Syngraphis* adjungi viderat, hic quoque subintelligi debere existimat ; videlicet, *bonæ & legalis monetae Angliæ* — Ut verò hanc ei molestiam aliquatenus minuam, nec tam acerbè posthac ferat *Artis suæ professores* tantulo olim venisse ; scire eum velim quicquid de *solidis istis* dixeram, de *Romanis prorsus solidis* esse intelligendum ; quorum singulos, ut nonnulli, atque optimi illi quidem *Auctores*, tradunt, *Sexdecim* circiter de nostris pretio æquasse reperio [b].

[a] Not. br. p. 16.

[b] Vid. *Arbuthnot of Coins, &c.* p. 163.

At majores adhuc *Medicus noster* clamores
ciet, propterea quod *Medicinæ professionem Civis
Romani gravitate seu existimatione indignam,*
Plinio Auctore [a] *asseruissem.* Quippe id, in-
quit, à solo *Middletono* apud *Plinium* legitur [b].
De indignitate autem *Artis*, apud *Plinium* nè
verbum quidem ullum est; sed eam vocem IN-
DIGNAM ad *Plinii* verba à bono *Theologo* ad-
textam videtis, quo vobis fucum faceret. Atque
eadem ferè omnia de hoc *Plinii* loco post *Anno-*
tatorem nostrum iterat egregius iste *Responsionis*
Auctor; miraturque *Middletonum* curam atten-
torem in *Scriptis Veterum* citandis atque expli-
candis non adhibuisse. Non enim, inquit [c],
dicit *Plinius* (ut ille nobis persuadere studet) me-
dendi *Artem* *Romanos* gravitate suâ indignam
judicasse; nec qui eam attigerint, tanquam ad
Græcos transfugas fuisse habitos. Neque vox in-
dignam hic legitur, neque Voces, ad *Græcos*
transfugæ, eo sensu dicuntur quem is confingit.
Quantum in utrisque consensum, quantam
in me criminando concordiam videmus? Ego
vero tantorum virorum conjunctos simul impe-
tus haud unquam sustinere potero. Itane vero

[a] Solam hanc *Græcarum Artium* nondam exercet
Romana Gravitas in tanto fructu. Paucissimi *Quiritium*
attigere, & ipsi statim ad *Græcos* transfugæ: imo vero
auctoritas aliter quàm *Græcè* eam tractantibus etiam
apud imperitos expertesque linguæ non est. *Plin. Hist.*
l. 29. 1. [b] *Not. br.* p. 18. [c] *Resp.* p. 49.

Dissertationis de Medicorum Romæ Degentium

Viri ingeniosi? nihilne dicitis de *Medicinæ indignitate* apud *Plinium* reperiri? Quid igitur statuendum putatis, non dicam de *bono Theologo*, sed de *bonis istis Medicis* [a], qui *Artis suæ defensionem contra Plinium ipsum* susceperunt; qui de *Artis*, inquam, *dignitate* libros aliquot contra *Plinium* scripserunt? annon illos eadem omnia, ac *Middletonum*, de *Artis indignitate* apud eum legisse creditis? An eos quoque *voces finxisse* dicetis? Numve Vos tandem soli, *tales stulti, bardique* (ut *Annotatoris* verbis utar) reperiemini, ut quod alii omnes facillè vident, nec videre nec intelligere poteritis? Sed exclametis licet, quantum volueritis; Ego contra contendo atque affirmo, *Plinium* hoc ipso in loco asserere, *Romanos* propterea *medendi Artem* neglexisse, nec ad eam exercendam ullo quæstu allici potuisse, quod *gravitate sua indignam* eam judicarent: paucissimosque illos qui *Plinii tandem ætate* ad eadem sese applicuissent, ad *Græcos transfugere*, id est, à *Græcis hominibus* artis præcepta petere, & vel *Græcè* loqui, scribere, præscriptaque *Medicæ* tradere fuisse coactos: quippe cum *Romæ* ab ipsis *Artis primordiis*, *Medicinæ omnis administratio* non nisi *Græcorum in manibus* versata esset; nulla planè *Auctoritas* aliter ac *Græcè eam tractantibus* etiam apud imperitos erat,

[a] Jo. Filesacus. *Medicinæ defensio adversus Plinium majorem* 8vo. Par. 1618. it. G. Kirstenius de *Medicinæ dignitate contra Plinium & Platonem* 4to. Stetini 1647.

Romanos autem homines artium certè Græcarum, quàm maximè cupidos, atque avidos planè fuisse cognovimus; & quicquid Græcia habuerit quod omnino expetendum esset, id studio & industria sua ad se statim transtulisse [a]: eoque præterea ingenio fuisse; ut omnia consequi potuissent, ut primum velle cæpissent; nec consequi solummodo: sed à Græcis ipsis accepta vel meliora etiam & perfectiora facere solere, siquæ, ut ait Cicero [b], digna statuisent in quibus elaborarent. Itaque cum ex omnibus Græcorum Artibus, Medicinam solam eos neglexisse cernimus; quam aliam causam probabilem, vel omnino ullam excogitare aut fingere possumus, nisi quod Civibus suis nec expetendam nec gravitate sua dignam judicarint; quod Plinius profecto hoc ipso in loco verbis nullo modo dubiis aut obscuris declarat, cum dicat, *Hanc solam Artium Græcarum Romanam gravitatem vel tanto in fructu nunquam attigisse.* Itaque vox illa INDIGNAM quam Vos tantopere stomachamini, etsi in Plinii quidem verbis non reperiatur, ad sententiam tamen constituendam necessario requiritur; neque de voculis ego Auctorum, sed de sensibus omnino disputandum esse censeo: vestramque loci hujus interpretationem, nec Plinii mentem attingere nec sensum plane ullum continere dico. Quod dicit autem *Responsionis Auctor* voces eas, ad Græcos Transfugæ, non

[a] Cic. Tusc. q. 2. 2.

[b] Ib. 1. 1. it. Ib. 4. 2.

eo sensu accipi debere, quem ego confinxeram; ego sane quid sibi velit, non intelligo; nisi quòd calumniandi occasionem, cum nulla prorsus fuerit oblata, arripere studeat; quippe ego *vocibus istis* nullam omnino interpretationem sensumve meum dederam, sed nudas eas solummodo, ut in *Plinio* legantur, protuleram.

Atqui ad unicum jam libelli hujus locum devenimus, quo me cum aliquà veritatis specie aut ratione probabili premere atque urgere *Annotator* videtur: scilicet quod *Suetonii* locum quendam ad causam meam detorsissem, & tum verba, tum sensus, aliter ac in Auctore eo reperiuntur, dedissem; quod an *incuriæ* seu *malitiæ potius meæ*tribuendum sit, postquam paullisper dubitaverit, *malitiæ* statim & illi *summæ* quidem assignat; *meque falsitate aperta incautos circumvenire in animo habuisse* insinuat [b]. Quis autem, præter *Medic astrum huncce*, *malitiæ exercendæ* causam, aut locum quidem ullam hac in re invenire potuisset? etenim hoc *Suetonii testimonium* si de *Dissertatione mea* penitus tolleretur, num claudicaret ideo quæstio nostra? numve detrimenti omnino quicquam caperet? quid si hoc in loco *Medicos in Peregrinis* & non in *Servitiis* numerari fatendum sit? id num *Annotatoris causæ* omnino inservit? num meam debilitat; qui *Medicos*, partim *Servos*, partim *Libertos*, omnes tamen *Peregrinos* fuisse disputo? Si ex his, inquam, verbis *Medicos de Servorum*

[b] Not. br. p. 19.

grege fuisse minùs probetur ; nonne ex aliis permultis *ejusdem Suetonii* locis *Servos eos fuisse* aperte demonstratur ? itaque fatui plane hominis fuisset, malitiam ibi adhibere, ubi detecta infamiam certam inureret, celata vero nihil prorsus ad controversiæ summam conferret. Sicut autem a *malitiæ*, ita vellem sanè ab *incuriæ & negligentia* crimine memet æque defendere possem : sed ut fatear planè quod res est ; cum duos ad eandem rem Auctores in *Commentariolis notatos* haberem ; unum quidem, qui totidem planè verbis id quod posueram, significaret ; alterum vero, qui eidem aliquo modo favere, atque ex parte declarare videretur ; quemque idcirco notaram, nec verba tamen ejus descripseram ; præ nimia tandem festinatione & negligentia Auctores ipsos adire omitte, nec pluribus in re unâ testibus opus esse putans, eum quem minùs oportuit, *Suetonium* scilicet *Orosii loco* ad causam meam adhibui : quod *Responsionis* quidem *Auctor*, mihi licet aliàs haud satis æquus, hoc tamen in loco fieri necesse esse agnoscit [a]. Id vero in re tam apertâ, tamque parum ad controversiæ summam pertinente, an *incuriæ* seu *malitiæ* potiùs tribuendum sit, haud opus est pluribus ostendere : illud tantummodo dicam ; quod etsi plures etiam hujusmodi errores in *Scriptorum verbis exponendis Auctores nostri* aliàs sæpe, idque satis fidenter mihi objiciant, illos tamen, quoties

[a] Resp. p. 81.

Dissertationis de Medicorum Romæ Degenſium
 exemplis rem illuſtrare aggredientur, inſcitia
 toties ſuæ aut malitiæ Argumenta præbituros.

Annotator autem noſter, tanquam cauſam
 jam omnem expediſſet, controverſiamque peni-
 rûs abſolvifſet; *Minimi*, inquit, *momenti ſunt*
reliqua, quæ a Middletono prolata ſunt, &c. [b]
 & *permulta talia ſunt, quæ vos ipſi nè quidem*
digna refutatione cenſebitis [c]. At nullius igi-
 tur ponderis eſſe credis, tot illa Scriptorum ve-
 terum teſtimonia, quæ *Medicos Romæ degentes*,
Servos maximam partem fuiſſe clare atque aperte
 declarant? num minimi momenti eſſe, nec re-
 futatione quidem digna putas, tot illa *genuina*
vetuſtatis monumenta, tot *antiquas inſcriptiones*,
 quæ plurima nobis *Medicorum Servorum* nomina
 ad hæc uſque tempora conſervant? numve illa
 omnia minus propterea Auctoritatis apud lectores
 habitura exiſtimas, quod ad ea Tu ne verbum
 quidem unum reſpondere fueris dignatus?

Pergit tamen more ſuo, *Vir egregius*, ad
 aliam, uti ait [d], *Middletoni calumniam reſel-*
lendam, qui negat, *Medicinam inter liberales ar-*
tes apud Romanos haberi: ad *Middletonum* igi-
 tur redarguendum loca quædam è *Jure Civili*
 profert, quæ probant, non id quidem ullo
 modo quod oportuit, *Medicinam ſcilicet in Ar-*
tibus Liberalibus numerari; ſed illud ſolum-

[b] Not. br. p. 19;

[c] Ib. p. 23.

[d] Ib. p. 20.

modo,

modo, quod omnes scimus, & concedimus, videlicet, *Medendi Artem* juxta ac *Artes Liberales* immunitatibus & privilegiis ab *Imperatoribus* tandem auctam & munitam fuisse. Atque hæc dum scribit, videt ille quidem, quam nihil prorsus ad suam causam pertineant, & fateri aperte cogitur, *Artem Medicam* [a] a reliquis *Artibus Liberalibus* quodammodo segregari & distinguere; eamque apud *Veteres* non tam in studiis liberalibus, quæ ab ingenuis colebantur, quam in *Artibus necessariis* haberi: quis autem hominem unquam tam petulantem, tamque absurdum simul vidit; qui argumenti sui initio *Middletoni* calumniam id esse dicit, quod antequam locum ipsum dimittat, verum omnino esse agnoscit? nec quicquam sane hoc in loco acutius meliusve sese gessit *Responsionis Auctor*, sed eadem fere omnia protulit; & postquam contra sententiam meam, idque multis quidem verbis, disputaverit; fatetur tandem per *Artes Liberales* eas præcipue ab Auctoribus intelligi, quibus ingenui pueri in scholis institui solebant; nec nisi posterioribus seculis *Jurisconsultos* tam lato sensu *Liberales Artes* accepisse, ut *Medicinam* quoque eo nomine complecterentur [b]. Sed de hoc omni *Artium Liberalium* genere alium mox dicendi locum, atque eum magis quidem opportunum, habebimus; cum *Rhetorem nostrum* in *Cicerone* ad suam hac in re sententiam interpretando, turpiter lapsum demonstrabimus.

[a] Not. br. p. 22.

[b] Resp. p. 74.

Annotator autem interea, tanquam Victor e certamine rediens, triumphum plane agere, & Middletonum currum suum sequentem, catenisque vinctum Medicis suis ostentare sibi videtur. Jam satis demonstratum, exclamat, quàm futilia atque etiam falsa pro gravibus & certissimis argumentis habuerit Middletonus; quàmque faciliè refutentur ea, quæ in Medicos tanto studio congeffit. Etenim testimonia ejus præcipua, vel Clinicos quos deprimere tantopere studet, minime attingentia, vel omnino per incuriam depravata, per malitiamve ficta, vel denique Veterum testimoniis certissimis contraria deprehendistis [a]. Hujusmodi autem exclamationibus, haud sane expectandum erit, ut quidquam omnino respondeam; cum nihil certe aliud requiritur ad vanitatem hominis ostendendam, quam ipsius verba referre atque exponere, sin autem inventi aliqui sint, istiusmodi ingenii homines, qui ejus vel disputandi acumen vel scribendi stilum probare possunt; siqui, inquam, sint, qui *Notis hisce brevibus* eum quidquam prorsus aliud demonstrasse credant, ac suam ipsius ignorantiam, temeritatem, malevolentiam; istiusmodi certe hominibus ego nec satisfacere curo, nec mea omnino placere cupio.

Me tamen homo facetus deridendum [b] proponit, propterea quod *Græci Tragici* versiculo *Romanorum hominum* consuetudinem quandam demonstrare essem aggressus: de *Servis* scilicet

[a] Not. br. p. 23.

[b] Ib. p. 24.

ab iis studiis atque Artibus quibus ipsi delectabantur, lege arcendis: nonne verò Romani etiam Poetae testimonium ad rem eandem confirmandam adjeci? idque nonne omnium recte ac dilucide disputantium est, quam rem susceperint probandam, eam rem primùm universe veram, aliarumque gentium notionibus consentaneam, deinde apud eos homines præcipue de quibus quæstio instituitur, in usu fuisse ostendere? Sed *Annotatori* hic quoque subsidio venit *Responsionis Auctor*, & *Terentium*, quo auctore usus essem, ad *Atticorum solummodo*, non ad *Romanorum mores respicere affirmat* [a]: quasi non perinde ac in *Græcia*, ita *Romæ* etiam eandem legem obtinuisse constaret; ubi *Servos* non a *causis modo orandis*, sed vel a *testimonio dicendo* prohibitos cognovimus. Sed de objectionis hujus futilitate pluribus mox disputabimus, cum illuc pervenerimus, ubi *Plauti* etiam in re consimili testimonium *Auctorem nostrum* rejicere cernemus.

Dixeram autem in *Dissertatione meâ*, nullam per aliquod secula de *Medicinâ*, tanquam de re humili nimis atque abjecta, a *Scriptoribus Romanis* mentionem fieri: atque alio loco; *Græculos* eos, qui *Romam* sese *Medicinæ exercendæ causâ* contulissent, etsi *liberos quidem nonnullos fuisse* concedamus, *generatim tamen humilis seu potius infimæ sortis homines fuisse*. Id homini stomachum

[a] Resp. p. 60.

movere video ; quæritque a me, *quonam* *Scriptorum Veterum testimonio*, id mihi affirmandum sumam, idque nullo prorsus *Auctore*, sed ex propria scientiâ me posuisse dicit : mihi autem fidem non habendam, quippe qui dudum mala fide egerim [a]. Quasi id omnino testimoniis egeret, quod per se clarum & perspicuum esset ; quasi, inquam, non sensus communis omnes præter hunc unum docuisset ; de qua scilicet re monumenta plane omnia silent ; nec Historici mentionem ullam faciunt, eam rem aut omnino non existisse, aut nihil saltem celebratione seu memoria dignum suspeditasse.

Atque idem etiam hoc in loco *Responsionis* *Auctor* a me quærit, quo scilicet argumento *Medicos hosce liberos, humilis atque abjectæ conditionis fuisse demonstrem* [b]. Illud vero nonne per se quoque æque perspicuum est ? nonne id, inquam, ratio sensusque communis evincunt, homines illos, qui *quæstus victusque querendi causâ, de patria sua in alienam migrant, humilis seu infimæ potius sortis maximam partem esse ?* num divites, num beati, num famâ atque opibus florentes natale solum exilio mutare solent, ut lucrum sibi apud exteras gentes non sine probro atque odio conficiant ? num *Græci* præcipuè hoc omnino facere voluerint, qui omnium longè maximè patriam cùm suam amaverint, tum alienas contempserint ? etsi verò me nullius om-

[a] Not. br. p. 25.

[b] Resp. p. 62.

nino Auctoris sententiam ne detortam quidem
fictamve ad opinionem meam confirmandam protu-
lisse Annotator affirmat [a]; nonne Plutarchi
tamen [b] verbis clarissimis ostenderam, totam
Græcorum gentem odio & contemptui Romanis
fuisse, ipsique nomen Græcus a plebe sem-
per in ore convitii loco haberi & jactitari
solere?

Sed quid hoc ad Medicorum conditionem Re-
sponſionis auctor ait, si mos esset Romanæ plebe-
culæ, Græcorum gentem ita tractare [c]? Tu
verò cum Medicos tuos & Græcos & Romæ
tamen honoratos & splendidos fuisse disputas;
nonne contra sententiam tuam vim aliquam
habere videtur, quod ostenderam, Græcos plane
omnes, qualiscunque fuerint Artis aut condi-
tionis, Romæ non nisi in probro & dedecore ver-
sari: & quam aliam ob causam hoc fieri putan-
dum est, nisi quod id hominum genus egenum,
sordidum, esuriens, *populus Romanus* semper
cognovisset. Num cuiquam igitur præter au-
ctores nostros verisimile videri potest, *Principes*
Græcorum Medicos, gratiâ apud suos & dignitate
florentes, atque *amplissima fortuna usos*, Romam
quæstus causâ migrare velle, ut tam iniquâ con-
ditione viverent, ut sibilis & contumeliis a plebe
exciperentur?

[a] Not. br. p. 25.

[b] Dissert. p. 9.

[c] Resp. p. 63.

Annotator autem, postquam in sententia mea refutandâ tantum frustra laboris consumpserit; videt tandem atque apertè fatetur, hanc meam disputationem non modo *dedecoris nihil*, sed *laudem potius & gloriam Arti Medicæ* afferre, quæ *Professores suos ex ignobili illo servitutis statu, ad libertatem sæpiissime atque honores evehere soletet* [a]. In quo tandem uno utrique facilè consentimus; etenim hunc ego honorem nec *Medendi Arti* invideo, nec quicquam contra disputare aggrediar: vellem solummodo, hoc idem initio homo vidisset; nec sibi quidem tam turpiter scribendi infamiam, nec mihi tam ridiculi hominis castigandi fastidium peperisset: quippe non odium certe aut reprehensio ulla, sed gratiæ mihi potius a *Medicis* debentur, qui eam causam defenderim ac probarim, quam *Arti suæ* honorem laudemque adjungere fatentur.

Sed ab ipso Cicerone jamdudum, inquit [b], *dijudicata est hæc controversia, locusque suus Medicinæ tributus, neque primus is quidem neque secundus, at medius certe, &c. tantum rogo ut sententiam ipsam, non ut apud Middletonum discerpitur sed integram legere dignemini, &c.* Oh hominem omnium sane sagacissimum! qui inter *Primum & Secundum, Medium* quiddam Princeps invenerit! Egonè verò *Ciceronis* lo-

[a] Not. br. p. 26.

[b] Ibid. p. 26.

tum illum discerpsi, qui omnia quæ ad quæ-
stionem nostram pertinerent, integrè quidem
ipsissimisque ejus verbis protuleram? quippe
cum de *Medicina sola* hæc omnis disputatio
institueretur, quid mihi cum reliquis *iis Arti-*
ficiis, a *Cicerone* enumeratis; *Coquis*, *Mercato-*
ribus, *Agricolis*, &c. rei esset planè non vide-
bam. Ille verò postquam hæc omnia in *Notas*
suas breves integra transtulerit; *habetis hic*,
inquit, *plenam atque apertam Ciceronis senten-*
tiam, quam filii instituendi gratiâ posuit, &c.
existimat forsitan *Vir bonus*, hæc ad *Filium*
ideo scripsisse *Ciceronem*, ut artem aliquam
ex ibi memoratis, *Medicinam* scilicet seu *Mer-*
caturam adolescens sibi exercendam deligeret:
sed optimo, fateor, consilio, longam hanc *Ci-*
ceronis periodum, etsi nihil quidem ad rem
spectantem, huc tamen integram traduxerit,
ut *sensus* tandem aliquis atque *Oratio pura*, quæ
in reliquo suo opere requiruntur, in *tribus saltem*
pagellis hisce reperirentur.

Ciceronem autem quandoquidem is appella-
tur, cujus quidem Auctoritate nihil mihi sanc-
tius esse potest, eum nobis Judicem consti-
tuamus: atque omiſſis iis, quæ de *cæteris*,
ut dixi, *artibus*, nihil ad nos pertinentibus,
hoc in loco differat; *Medicinæ* solummodò
quem locum gradumve assignet unicè consi-
deremus: *quibus autem Artibus*, inquit *Cicero*,
aut prudentia major inest, aut non mediocris
utilitas, ut Medicina, &c. hæ sunt iis, quo-

Dissertationis de Medicorum Romæ Degentium
rum Ordini conveniunt, honestæ. Hic vero
 quantum, *Dii boni*, eruditionis, quantum doc-
 trinæ reconditoris *homo noster* ostentat? etenim
Asconium Pedianum, Manutiosque ambos [a],
Paullum atque Aldum testes adhibet, Vocem
 eam, *ORDO*, dignitatis alicujus significatio-
 nem continere; atque ad *Senatum, Equitesve*
 ad minimum, ad *plebem* vero nullo modo re-
 ferri oportere: *Servorum* vero & *Libertino-*
rum non *Ordinem* sed *conditionem* dici solere:
 atque eum hac saltem vice felicem fateamur
 necesse est, quod magnorum tandem nominum
 auctoritate nugari sibi contigit. Hoc autem
 omne quod tam erudite differuit, si aliàs verum
 interdum esse concedamus; nonne videt tamen
Vir egregius quàm hoc in loco non solum
Ciceronis sed *sua* etiam *ipsius* sententiæ con-
 tradicat; etenim num nobis hac suâ erudi-
 tione persuadere vellet, *medendi Artem*, iis
 temporibus *Senatorio* seu *Equestri* saltem *Or-*
dini fuisse honestam? at nemo unquam tam
 temerarius fuit ut id diceret: neque is ipse
ea audacia, eoque Artis amore id quidem vel
 mustitare audet; sed aperte fatetur, nec *Pri-*
imum nec *Secundum* dignitatis gradum ad *Me-*
dicos pertinere, sed *Medium*, ut supra dixi,
nescio quem. Sicut autem nec *Senatorem* nec
Equitem unquam temporibus illis *Medicinam*
 exercuisse certissimum est; ita nec *de plebe*
magis aliquem nec *Civem* omnino ullum eam

[a] Not. br. p. 28.

attigisse contendo : neque illi omnes, qui hanc sententiam impugnaverint, vel *unum* quidem *hominem Romanum*, qui *Medicinam*, ante *Cæsarum ætatem*, fuerit professus, ostendere unquam potuerint ; quod quidem vel *Responsionis Auctor* fateri plane cogitur, nec *ullum ante eam ætatem de Romanis Medicum* extitisse concedit [b] : itaque quid nobis aliud relictum est hominum genus, de quo *Cicero* loqui intelligatur, cuive *Vox illa*, *ORDINI* applicetur, quàm, quem ipse dixeram, *Servorum, Libertorum & Peregrinorum Ordo* ?

Vides jam, opinor, non temere me ac fortuito, sed re prius perpensâ & consideratâ, ad *Ciceronem interpretandum* accessisse : Vides, inquam, istam tuam eruditionem, etiamsi vera nonnunquam esset, in hac tamen causâ nec locum ullum habere, nec lucis quicquam afferre : sed quid tandem dices, si *futilem, falsamque eam* prorsus esse ostendero ? etenim ex multis *Scriptorum Veterum* locis probare facile possum, *Vocem mea*, *ORDO*, apud *optimos Latinatis Auctores* nihil aliud significare, ac *certum quodlibet hominum genus, communi aliqua vitæ sorte, vel abjecta atque infima* utentium.

Conveni *hodie hominem mei loci atque Ordinis* [c].

[b] Resp. p. 164. it. p. 220.

[c] Ter. Eun. 2. 2.

Nonne hoc de homine squallido & miserrimo à *Gnathone Parasito* dicitur? *Ciceronem* etiam ipsum, quem nobis *judicem* constituiti, hanc eandem vocem non *Senatui* modo *Equitibusve*, sed *Plebi* quoque sæpissime & *Libertinis interdum ipsis*, abjectæque fortis hominibus, *Apparitoribus* & *Scribis* [a] applicare memini. Item in Inscriptione quâdam Sepulchrali mulier de marito loquens.

Qui me ab imo Ordine ad summum perduxit bonorem [b].

Homo autem *noster*, qui *Auctorum verba discerpendi* atque *aliena adtexendi* crimen mihi objicit, videamus jam qualem tandem ex hoc omni *Ciceronis* loco sententiam extorserit. *Uti-que huc tandem*, inquit, *res redit*. MARCUS TULLIUS CICERO AIT, MEDICINÆ PROFESSIONEM, HONESTO CIVIUM ORDINI DECORAM ESSE; CONYERS MIDDLETON NEGAT; EAMQUE ESSE SORDIDAM, ILLIBERALEM, CIVE PRORSUS INDIGNAM AFFIRMAT: UTRI CREDITIS QUIRITES [c]:

Quis jam non summam *hominis* vel insci-

[a] In *Pisōn.* 8. In *Catal.* 4. 8. In *Verr.* 1. 47. In *Verr.* 3. 78.

[b] *Gruter.* p. 353.

[c] *Not. br.* p. 29.

tiam, vel temeritatem, vel utrumque potiùs admirabitur, qui hunc locum aut tam parùm intellexerit, aut tam foedè corruerit? ille tamen, quasi impudentia gloriaretur, hoc *ingenii sui commentum*, tanquam *legis*, aut *Senatus Consulti* vim obtineret, *litteris majusculis* describendum curavit. At in hoc omni *Ciceronis* loco, num de *ullo omnino Civium Ordine*, nedum *honesto aliquo*, verbum quidem unum reperitur? num *Medicinæ professio*, *Romanis omnino hominibus* convenire dicitur? nihil certè minùs: nec quicquam sanè aliud, ex verbis ipsis elici aut intelligi potest, ac *Artes eas humiliores*, isti hominum generi, cui propter *vitæ sortem* convenirent, laudem quandam & decus afferre; quod de *Servis, Libertis, & Peregrinis* prorsus accipiendum esse abundè demonstravi.

Sed quoniam *Ciceronem* appellavimus; quid de verbis istis existimandum putas, ubi is *ingenii nihil ex Officina prodire posse* affirmat? nonne id *Medicos* aliquo modo attingere credis, quos omnes *Officinas suas* habuisse notissimum est? de illo itidem altero, quem tu *verissimum esse* dicis, quid cogitas? scilicet, *Honos alit artes, omnesque incenduntur ad studia gloria, jacentque ea semper, quæ apud quosque improbantur* [a]. Etenim si quod omnes plane fatentur, nec honores ulli *Medendi Arti*

[a] Not. br. p. 31.

Dissertationis de Medicorum Romæ Degentium constituti, nec ad studium ejus promovendum gloria ulla ante *Cæsarum ætatem* fuerit unquam proposita; tum, *Cicerone ipso judice, jacuisse eam ac contemptam prorsus fuisse* necesse est.

Sed ad *Responsionis jam Auctorem* nosmet convertere necesse est, qui hunc itidem *Ciceronis* locum in librum suum idcirco transtulit, ut me non minus, uti ait [a], *In Ciceronis ac in Plinii ante verbis exponendis lapsus ostendat*: in hoc autem loco interpretando, quod vix fieri posse credideram, vel *Annotatore ipso* stultiore se longe ac leviores præbuit: disputat enim *Vir Eruditus, Ciceronem* ibi de pervulgata ea *Artium partitione, in LIBERALES proprie ita dictas, seu INGENUAS, ut Cicero eas alibi vocat, ac ILLIBERALES seu SORDIDAS tractare proposuisse* [b]: atque hanc *Artium divisionem tam clare & aperte exposuisse ut mirum profecto videatur, eam quemquam effugere potuisse* [c]: a *Sordidis* autem *Cicera-*

[a] Resp. p. 53.

[b] Ib. p. 54. it. 74.

[c] Ib. 57. ut clariùs quod disputemus intelligatur, verba ipsa Ciceronis huc etiam apponenda duxi — Jam de Artificiis & quæstibus, qui liberales habendi, qui sordidi sint, hæc fere accepimus: primum improbantur ij quæstus, qui in odia hominum incurrunt, ut Portitorum & Fœneratorum. Illiberales autem & sordidi quæstus mercenariorum omnium, quorum operæ non quorum artes emuntur; est enim illis ipsa merces auctoramentum servitutis. Sordidi etiam putandi, qui mercantur

Ciceronem incipere, easque omnes percurrere dicit, usque ad *Saltatores*, totumque ludum *talarium*; deinde quo res tota explicatio fieret, non *Ciceronis* sed sua quædam verba homo acutus interponit; [*hactenus de Sordidis, jam ad liberales venimus*] reliquasque deinceps ibi enumeratas *liberalium* in numero *Ciceronis auctoritate* habendas affirmat; videlicet *Medicinam*; *Architecturam*; *Doctrinam rerum honestarum*; *Mercaturam*; *Agriculturam*.

mercantur a mercatoribus, quod statim vendant, nihil enim proficiunt, nisi admodum mentiantur: nec vero quicquam est turpius vanitate. Opificesque omnes in sordida arte versantur. Nec vero quidquam ingenuum potest habere officina. Minimeque Artes probandæ, quæ ministræ sunt voluptatum; cetarii, lanii, coqui, fartores, piscatores, ut ait Terentius. Adde his, si placet, unguentarios, saltatores, totumque ludum talarium. HAC-TENUS DE SORDIDIS: JAM AD LIBERALES VENIMUS. Quibus autem Artibus aut prudentia major inest, aut non mediocris Utilitas quæritur, ut Medicina, ut Architectura, ut Doctrina rerum honestarum; hæ sunt eis, quorum ordini conveniunt, honestæ. Mercatura autem, si tenuis est, sordida putanda est; si magna & copiosa, multa undique apportans, multisque sine vanitate impertiens, non est admodum vituperanda; atque etiam, si satiata quæstu, vel contenta potius, ut sæpe ex alto in portum, ex ipso portu se in agros, possessionesque contulerit, videtur optimo jure posse laudari. Omnium autem rerum, ex quibus aliquid acquiritur, nihil est Agriculturâ melius, nihil uberior, nihil dulcius, nihil libero homine dignius. Cic. de Off. l. i. 42.

Quis

Quis autem, si *Diis placet*, tam ridiculum unquam *Artium Liberalium* catalogum antea vidit? quis præter *Auctorem nostrum* ejusmodi illarum *Corpus* quoddam effingere potuit; de quibus ne unam quidem in *Liberalibus* unquam haberi reperimus? Artes enim istæ modò memoratæ, si in *Liberalibus* habendæ sunt, tunc *Ars illa Agricolarum* omnium longe liberalissima esset, utpote omnium maxime hoc in loco laudata, liberisque hominibus commendata; quod quidem homo noster fatetur, eamque ex omnibus speciatim seu præcipue liberalem esse dicit [a]. Sed tantum abfuit, ut *Agriculturam* Cicero unquam in *Artium Liberalium* numero ponendam existimaret, ut eam ipsam, tanquam ab omni politioni elegantia abhorrentem, ab *Artibus ingenuis ac elegantibus* quàm longissime sejungat [b].

Instat autem *Responsionis Auctor*, & *Medicinam* cum *Doctrina rerum honestarum* hoc in loco conjungi dicit, nec me tam temerarium fore credit, ut *doctrinam rerum honestarum Servis* convenire posse contendam [c]: at quicquid ille contra disputet, contendam tamen, vel eam quoque *Servis* competere posse. Quid enim aliud per *doctrinam rerum honestarum* intelligi poterit, ac munus ipsum, professioque

[a] Resp. p. 54.

[b] Cic. de Fin. l. 3.

[c] Resp. p. 57.

res honestas docendi ? at harum plerumque doctores, *Rhetores* scilicet, *Grammaticos*, *Pædagogos*, ex *Servorum grege* fuisse cognovimus : quamvis enim *res ipsæ*, quas docebant, *honestæ* & *liberales* censebantur, docendi tamen munus Romæ saltem haud ullo fere in honore fuisse accepimus.

Ut hominis autem nostri inscitia clariùs appareat ; loci hujus sententiam tandem veram, sensumque paucis exquiramus. Atque id primum de *Artium Liberalium* notione sciendum est ; illas solummodo in earum numero a Veteribus censi ; non quæ *victus quærendi*, *lucrive faciendi* causa, sed *animi erudiendi*, *delectandive* gratia excolebantur ; atque ex quibus non *quæstus aliquis*, *Utilitasve ad vitam necessaria*, sed *libera quædam animi oblectatio* quærebatur. Quam quidem earum veram propriamque esse definitionem arbitror : & quoties de *quæstuosis illis* aliquas, *minusve ingenuis*, *Liberales* tamen aliquando dici reperiamus, id nonnisi *improprio vocis usu*, & *laxiori quodam sensu* accipiendum, atque, uti hoc in loco, haud aliud indicare intelligendum est, ac ejusmodi *Artes* a *probrosis* & *turpibus* distingui, atque isti hominum generi, *cui convenient*, *honestas esse*.

Hoc igitur loco *Ciceronem*, uti primo plane aspectu perspicuum est, de *Artibus revera* & *proprie liberalibus* nec verbum quidem ullum fecisse, nec omnino cogitasse dico : differit solummodo

lummmodo de *Artificiis* seu *quæstibus* istis, unde *lucrum* conficiebatur, atque aliquid *adquiribatur*: *sordidas* primum enumerat, easque omnes, quæ nonnisi cum probro, ac turpitudine quadam conjunctæ videntur; deinde ad *honestiores* progreditur; *Medicinam*, *Architecturam*, &c. quas *Ordini*, cui *convenient*, non probum aliquod, sed decus potius, laudemque afferre significat; & concludit denique; *omnium autem rerum* ex quibus aliquid *adquiritur*, *nihil esse Agricultura melius, uberius, dulcius, nec libero homine dignius*. Videmus jam, opinor, quo sensu *Agriculturam* tantopere laudet; non ut *Artem liberalem*, aut *ingenuam*, sed de *quæstuosis* istis solummodo, ex quibus aliquid *adquiritur*, optimam & homine libero dignissimam,

Artes autem, ut supra dixi, *liberales* a toto illo *genere quæstuoso* sejunctas semper esse notissimum est, eoque *liberaliores* haberi, quo a *quæstu* & *lucro* *omni* remotiores essent: quod quidem, cum ex multis *ipsius Ciceronis* locis demonstrari potest, tum ex eo potissimum, ubi ex *Pythagoræ* sententia, vitam hominum *mercatûs* cujusdam *celebritati* comparari ait [a]. In quem, uti alii *emendi* aut *vendendi quæstu* & *lucro* ducerentur, alii vero, *iique vel maxime ingenui*, *nullum lucrum quærerent*, sed *visendi solummodo causa* venirent, *studiosèque* *perspice-*

[a] Tusc. qu. 1. 5. 3.

rent, quid ageretur; sic in vita & studiis hominum accidere solere disputat: nam ut illic liberalissimum esset spectare nihil sibi acquirentem; sic in vita, ea longè studia excellere, cæterisque omnibus præstare, quæ nulla quæstus aut pecuniæ spe proposita, in rerum cognitione & contemplatione versabantur. Atque hinc jam quis facile judicabit, quanti *Rhetor noster* ingenii fuerit; quàm in Veterum scriptis evolvendis diligens: quam in interpretandis acutus; quamque ad Eruditorum controversias dijudicandas instructus accesserit; quàm denique verum vel nunc etiam illud ipsum sit, quod *Ciceronem* alicubi indicasse memini; nihil scilicet magni aut solidi unquam ex *Rhetorum Officinis*, sed *Academiæ solummodo spatiis* extitisse.

Sed ad *Annotatorem* tandem, nostrum revertamur, qui hac sua velitatione quasi defatigatus, nec in aciem ipsam dimicationem descendere ausus, receptui canere incipit, & dimittamus jam, inquit, *Theologum undique doctissimum*; reliqua persequantur ii, quibus otium est, quique fuerint diutius in *Antiquitatis cognitione versati* [a]. Quorum alterum, Præclare Annotator, Tibi facile concedam, *Antiquitatis* scilicet *cognitione* Te ab aliis certe quibusvis superari; alterum vero nunquam Tibi dabo; otio quemvis alium plus *Teipso* abundare: qua enim in re Te tantopere occupatum existimare possumus?

[a] Not. br. p. 30.

num literarum studiis? at *egregium bocce opusculum tuum* nos id omnino putare vetat; Teque in bonis literis, bonisque artibus hospitem esse declarat. Num professionis tuæ muniis, ægrisve obeundis? at quisquam tam vitæ prodigus invenitur, qui Tibi ea ignorantia simul ac temeritate valetudinem suam committere audeat? Sed singularem hominis modestiam hic etiam obiter notare libet. Quippe is, *occupationibus* licet distentus, nec in *Antiquitatis cognitione* versatus, mea tamen omnia, quæ *præcipua tibi visa* sunt, sibi ipsi refutanda atque evertenda suscepit; reliqua vero, quæ *ne minimi quidem momenti, nec refutatione digna* pronuntiat [a], iis tamen persequenda relinquit, qui *otio abundant, qui rerum antiquarum scientia* excellunt.

Ut verò cum primis, ultima tandem consentiant; cum nihil aliud *Notæ hæc breves* ac summam hominis malevolentiam, cum pari sanè stultitiâ conjunctam ostenderint; *velim autem*, inquit [b], *existimet Vir Eruditus, ea quæ à me contra ejus sententiam libere dicta sunt; non esse eo animo dicta, quod aliquam in illum contumeliam jacere cuperem, sed quia veritatem, quæ ab ipso obscurata quidem est, quantum potui patefacere studerem.* Tu vero, num vel unam demum nobis *veritatem patefecisti?* numvè unam aliquam *calumniandi occasionem prætermisisti?* quippe ea,

[a] Not. br. p. 23.

[b] Not. br. p. 31.

Vir probe, annon contumelia est ; Theologiæ Professore, Mendacem, Malevolum, Calumniatorem ubique appellare ? annon id, inquam, quàm maximè contumeliosum ; hominem liberalitèr educatum infimulare ; quòd falsitate alios circumvenire studeat [a] ; quod de locis ex auctoribus citatis, nonnulla audacter mutaverit [b] ; alia malitiose confinxerit [c] ; aliis verba aliena adtexerit, quo fucum faceret [d] ; quod de veritate nihil sit sollicitus, dummodo convitii aliquid congerat [e] ; quod fide nullà dignus sit, propterea quod mala fide egerit [f]. Quippe hujus generis omnia, si vera prorsus essent, parcius tamen objici, nec tam apertè dici solent ; cum autem sint falsissima, & tam libere tamen profundantur, non verbis solummodo & disputatione castigari, sed legibus pœnisque potius coerceri merentur.

[a] Ib. 19.

[b] Ibid.

[c] Ib. 23.

[d] Ib. 18.

[e] Ib. 13.

[f] Ib. 24.

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E H T

A
TREATISE
ON THE
ROMAN SENATE.
In TWO PARTS.

The FIRST PART contains,
The substance of several letters, formerly written to
the late Lord HERVEY, concerning the manner of
creating SENATORS, and filling up the vacancies
of that body in OLD ROME.

The SECOND PART, which is now added,
contains a distinct account,

- I. Of the power and jurisdiction of the SENATE.
- II. Of the right and manner of convoking it.
- III. Of the places, in which it was usually assembled.
- IV. Of the legal times of holding their assemblies.
- V. Of the different ranks and orders of men in the
SENATE, and of the forms observed in their
deliberations.
- VI. Of the nature and force of their decrees.
- VII. Of the peculiar dignity, honors, and ornaments
of a ROMAN SENATOR.

THE EATERS

OF MAN AND BEAST

IN TWO PARTS

THE FIRST PART

OF THE HISTORY OF THE HUMAN RACE, FROM THE FIRST BEGINNING OF THE WORLD, TO THE PRESENT TIME, IN A SERIES OF LECTURES, DELIVERED AT THE UNIVERSITY OF OXFORD, IN THE YEAR 1790, BY JAMES BURKE, ESQ. OF THE BARR.

THE SECOND PART, WHICH IS NOW SELLING, CONTAINS A HISTORY OF THE ANIMAL KINGDOM, IN A SERIES OF LECTURES, DELIVERED AT THE UNIVERSITY OF OXFORD, IN THE YEAR 1791, BY JAMES BURKE, ESQ. OF THE BARR.

OF THE HISTORY AND DESCRIPTION OF THE SEVERAL CLASSES OF ANIMALS, IN A SERIES OF LECTURES, DELIVERED AT THE UNIVERSITY OF OXFORD, IN THE YEAR 1792, BY JAMES BURKE, ESQ. OF THE BARR.

OF THE HISTORY AND DESCRIPTION OF THE SEVERAL CLASSES OF PLANTS, IN A SERIES OF LECTURES, DELIVERED AT THE UNIVERSITY OF OXFORD, IN THE YEAR 1793, BY JAMES BURKE, ESQ. OF THE BARR.

OF THE HISTORY AND DESCRIPTION OF THE SEVERAL CLASSES OF MINERALS, IN A SERIES OF LECTURES, DELIVERED AT THE UNIVERSITY OF OXFORD, IN THE YEAR 1794, BY JAMES BURKE, ESQ. OF THE BARR.

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OF THE HISTORY AND DESCRIPTION OF THE SEVERAL CLASSES OF SCIENCES, IN A SERIES OF LECTURES, DELIVERED AT THE UNIVERSITY OF OXFORD, IN THE YEAR 1797, BY JAMES BURKE, ESQ. OF THE BARR.

A
T R E A T I S E
O N T H E
R O M A N S E N A T E.

P A R T the F I R S T.

THE late Lord *Hervey*, who had long honored me with very distinguishing marks of his friendship, took occasion in one of his letters, about twelve years ago, to ask my opinion, on two or three points, relating to Classical antiquity, and especially, *on the manner of creating Senators, and filling up the vacancies of the Senate in Old Rome*; on which M. *Vertot's* answer to the same question, when it was proposed to him by the late Earl *Stanhope*, had not given him satisfaction.

In compliance therefore with his Lordship's request, I presently sent him my thoughts, on the other points, above intimated; and, in a separate letter, endeavoured to explain the state of the *Roman Senate*, from that time, in which the commons of *Rome* first opened their way to the public honors of the city, till the final oppression of their liberty, which I observed to be the period, to which Earl *Stanhope's* question was particularly referred.

But my short account of the matter did not answer the purpose of Lord *Hervey's* inquiry, nor solve the particular difficulties, which seemed to him to perplex it. He resolved, therefore, to take the pains of searching into it himself, and of tracing out the origin, and progress of the Senate, from its first institution by *Romulus*, down to the reign of *Augustus*: the result of which was, that his opinion at last happened to differ from mine, which he explained with great eloquence, and enforced with great learning, drawn from the principal writers on the *Roman* affairs, both *Greek* and *Latin*.

Here then was a controversy, unexpectedly started between us, and several letters exchanged upon it. And I could heartily wish, that all controversies of the same kind, were carried on with the same spirit. For though each of us espoused a different hypothesis, from which neither at last seemed willing to depart, yet this adherence to our several opinions, gave not the least shock to our friendship, but rendered it more agreeable still on both sides, as being grounded on that ingenuous freedom and indulgence to each other's way of thinking, without which, no friendship can either be valuable or lasting.

As the subject of these papers has not been professedly treated, by any of the Ancients; nor, in my opinion, sufficiently explained, by any of the moderns, so I flatter myself, that the publication of what I had collected upon it, in

in the defence of my hypothesis, may be of some little use or entertainment to the curious: as it exhibits a more distinct idea, than will easily be found elsewhere, of the genius of the *Roman* government in general, as well as a more precise illustration of the constitution of the *Roman* Senate; which may be called, *the soul or vital principle* of that mighty republic [1], and what gave birth and motion, to all those celebrated acts, which were successively produced in it.

In answer therefore to the question above-mentioned, concerning *the right and manner of creating Senators*, and filling up the vacancies of that body, I sent my Lord *Hervey* the following letter.

MY LORD,

April 1, 1735.

I WISH, that it were in my power to give your Lordship any satisfaction, on this or any other occasion, where you can possibly want it; which as I endeavoured in my last letter, upon a question of a different kind, so I shall attempt again in this, on the subject of the *Roman* Senate, where I fancy myself perhaps more capable, as well as the argument more worthy of your Lordship's inquiry. I am ashamed to confess, that when I received the honor of your Lordship's, I had not read Mr. *Vertot's* answer to Earl *Stanhope*; but I have since procured it, in

[1] Εοικέναι τι τῷ καθ' ἑα βολῆς σώματι· δι, τὸ τῷ δήμῳ.
τὸ κοινὸν ἔφη· ψυχῆς μὲν γὰρ Dionys. Hal. v. 67. Edit.
ἀνδρὸς ἀναλοῦν ἰχθύος τὸ τῆς Oxon.

order to see distinctly, what it was, that could remain still obscure to you, in a question, which had been treated by so able a master, and which of itself had appeared always to me to be sufficiently clear. I shall not trouble your Lordship with my particular exceptions to the account of that learned Antiquary, but give you only in short, my own sentiments on the same subject, drawn, as I imagine, from evident and authentic testimonies of the ancient writers.

From the time, that the Plebeians had opened themselves a way to the first honors of the state, the constant and regular supply of the Senate was from the annual magistrates; who by virtue of their several offices acquired an immediate right to sit and vote in that assembly. The usual gradation of these offices, was that of *Quæstor*, *Tribune of the people*, *Ædile*, *Prætor*, and *Consul*; which every candidate, in the ordinary forms of the constitution, was obliged to take in their order, with this exception only, that he might forego either the Tribunate or the Ædileship at his own choice, without a necessity of passing through them both. The Quæstorship was called the first step of honor; and the Quæstors, who were generally employed in the provinces abroad, assigned to them severally by lot, no sooner returned from their provincial administration, then they took their places in the Senate, and from that time forward, from the rank of Equestrians, or what we commonly call Knights, became Senators for life.

All

All these magistrates were elected by the people in their public assemblies, promiscuously and indifferently from the whole body of the citizens; which explains what *Cicero* frequently declares in different parts of his works, "That
"the senatorian dignity was conferred by the
"suffrage and judgement of the whole Roman
"people; and that an access to the supreme
"council of the republic was laid open to the
"virtue and industry of every private citizen [1]."

But though these offices gave both an immediate right and actual entrance into the Senate, yet the senatorian character was not esteemed complete, till the new Senators had been enrolled by the Censors, at the next *Lustrum*, or general review of all the orders of the city, which was generally held every five years. Yet this enrollment was but a matter of form, which could not be denied to any of them, except for some legal incapacity, or the notoriety of some crime, or infamy upon their characters; for which, the same Censors could ex-

[1] Qui cum regum potestatem non tulissent, ita magistratus annuos creaverunt, ut concilium Senatus reip. proponerent sempiternum; deligerentur autem in id consilium ab universo populo, aditusque in illum summum ordinem omnium civium industriae ac virtuti pateret. Cic. pro Sext. 65.

Si populum Romanum, cujus honoribus in amplissimo concilio collocati sumus. Post red. in Sen. 1.

In eo loco, in quo me honores populi Romani collocaverunt. Pro Dom. 31.

Cujus beneficio in hunc ordinem venimus. In Verr. iv. 11.

pel or deprive any other Senator, of what rank or standing soever. It was one part likewise of the censorian jurisdiction, to fill up the vacancies of the Senate, upon any remarkable deficiency in their number, with new members from the equestrian order, who had not yet born any magistracy: but this was not done arbitrarily, or without the consent and approbation of the people. For by observing the manner of proceeding on some extraordinary occasions, we may collect the legal and regular method in ordinary cases. For example, after the battle of *Cannæ*, the Senate being greatly exhausted, and no Censors in office, a Dictator was created for the single purpose of filling up the vacancies: who presently ascended the *Rostra*, and in the presence of the people, assembled in the *Forum*, ordered all those, who remained alive of the last censorian list, to be first called, and enrolled anew; then those, who since that time had born a curule magistracy, but had not been enrolled, each according to the order of his creation; then those, who had been *Ædiles*, *Tribunes of the people*, or *Questors*; and lastly, those of the equestrian rank, who had born no magistracy at all, but had signalized themselves in the war, and taken spoils from the enemy: and having thus added one hundred and seventy seven new Senators to the last roll, with the universal approbation of the people, he laid down his office [1]. Upon another occasion likewise, when

[1] Liv. I. xxiii. 23.

Sylla, the Dictator, after the destruction made by his civil wars and proscriptions, found it necessary to fill up the exhausted Senate with three hundred Knights, he gave the choice of them to the people in an assembly of their tribes [1].

The power of the Censors, being naturally odious and unpopular, was generally exercised with temper and caution, unless when an extraordinary licence and corruption of the times seemed to demand a particular severity and enforcement of discipline. The censures however of these magistrates were not perpetual or irreverfible, nor considered as bars to any future advancement: for what was inflicted by one Censor, was sometimes reversed by the other; and what was done by them both, by an appeal to the people; or by the succeeding Censors; who commonly restored the disgraced party to his former dignity; or else by obtaining, a second time, any of the magistracies above-mentioned, the person so disgraced entered again into the Senate, and was enrolled of course by the next Censors. Thus we find some, who had suffered the censorian note of infamy, chosen Censors afterwards themselves [2]; and *C. An-*

[1] App. de Bell. civ. l. i. p. 413.

[2] Ponam illud unum: C. Getam, cum a L. Metello & Cn. Domitio censoribus e senatu ejectus esset, censorem ipsum postea esse factum— Quos autem L. Gellius &

Cn. Lentulus, duo censores, furti & captarum pecuniarum notaverunt, ii non modo in senatum redierunt, sed etiam illarum ipsarum rerum judiciis absoluti sunt. Cic. pro Cluent. 42.

Censores denique ipsi factionis,

tonius, who was *Cicero's* colleague in the Consulship, had been expelled the Senate for his vices, about six years before; and *Lentulus* also, who was expelled even after he had been Consul, was restored to the Senate by obtaining the Prætorship a second time after that disgrace; in which office he was put to death by *Cicero*, for conspiring with *Catiline* against the public liberty [1].

Thus, as it is evident from unquestionable authorities, the legal and ordinary source, by which the vacancies of the Senate were supplied, was from the annual magistrates, chosen by the people: a method of supply, of all others the best adapted to support the dignity, as well as to fill up the number of that august body; which could never be remarkably deficient, but by the uncommon accidents of war, or pestilence, or proscriptions of the nobility: on which occasions, those deficiencies were supplied, either by the extraordinary power of a Dictator, created for that purpose, or the ordinary power of the

penumero superiorum censorum judiciis — non steterunt: atque etiam ipsi inter se censes sua judicia tanti esse arbitrantur, ut alter alterius judicium non modo reprehendat, sed etiam rescindat; ut alter de senatu movere velit, alter retineat.—Ibid. 43. Vide etiam Val. Max. l. ii. 9. 9.

[1] Hunc Antonium sex-

ennie, quo hæc dicerentur, Gellius & Lentulus censes senatu moverunt; causamque subscripserunt, quod judicium recusarit, quod propter æris alieni magnitudinem prædia manciparit, bonaque sua in potestate non haberet. Asc. Pæd. in Orat. in Tog. Cand. Vid. it. Dion. l. xxxvii. p. 43. D. Vell. Pat. ii. 34.

Censors,

Censors, confirmed by the approbation of the people. M. *Vertot* seems to perplex the question; first, by considering the authority of the people, and that of the Censors, as opposite and inconsistent with each other in the creation of Senators, whereas they were both of them jointly necessary, to make the act complete: secondly, by asserting the censorian power to be the original and principal in that affair, whereas it was but secondary or ministerial, to the sovereign prerogative of the people.

About a month after the date of this letter, his Lordship sent me his own opinion on the same subject, drawn out at length, in the form of a dissertation; which he supported afterwards, and farther explained by a second; and finally defended by a third.

As soon as I had received the first of them, I immediately sat down to consider the argument again more precisely: and agreeably to the method observed by his Lordship, endeavoured to sketch out the legal and genuine state of the Roman Senate, through all the several periods, in which it had suffered any remarkable alteration, under the Kings, the Consuls, and the Censors: in pursuance of which design, as fast as I filled up my papers to the proper size of a letter, I transmitted them to his Lordship at different times and in different packets: all which I have now thought proper, for the sake of brevity and perspicuity, to connect into one continued letter, in the very words of the originals,

ginals, as far as they could be recovered from the imperfect notes, which I had taken of them, or at least, in an exact conformity to that sense, in which they were first written.

MY LORD,

WHEN your Lordship required my thoughts on the manner of filling up the Roman Senate, I gave them in the simplicity of my heart, the best, that occurred to me, on a subject, for which I was not then particularly prepared. I fancied, that I could dictate to your Lordship, as M. Vertot to Earl Stanhope; and recollecting, that I was writing to a court, thought it a part of good breeding, to keep clear of Greek and Latin. But your Lordship has fairly caught me, and, in your elaborate dissertation, given me a pattern, how I ought to have written on a question of learning, or at least, how to my Lord Hervey.

In my former letter, I chose to begin my account of the Senate, from that time, when its power and glory were at their height, and its history, the most worthy of our notice; when it was free in its deliberations, and open in its access, to the virtue of every citizen. But since your Lordship has thought fit to recur to its very origin, and to trace out its progress through every period of its duration, I think myself obliged to pursue the same method, and explain my thoughts on its original constitution and legal manner of supply, from the very
foun-

foundation of *Rome*, to the oppression of its liberty. But in order to place the subject of our debate in its true light, it will be necessary, to state precisely the different opinions, which we severally entertain about it.

Your Lordship's notion then is, "That, under the Kings of *Rome*, the choice and nomination of all the Senators depended wholly on the will of the Prince, without any right in the people, either direct or indirect: that the Consuls, who succeeded to the kingly power, enjoyed the same prerogative, till the creation of the Censors; who ever after possessed the sole and absolute right of making and unmaking Senators.

My opinion on the contrary is, "that the Kings, the Consuls, and the Censors acted in this affair, but ministerially and subordinately to the supreme will of the people; in whom the proper and absolute power of creating Senators always resided." I shall proceed therefore, in the method above proposed, to examine, what evidence of facts, or grounds of probability can be found in favor of my hypothesis, through all the several periods of the Roman history.

I must confess in the first place, that, as far as our argument is concerned with the regal government of *Rome*, your Lordship has the Latin writers on your side, who constantly speak of the creation of Senators, as a branch of the royal prerogative. But in computing
the

the proper force of this evidence, we must remember, that none of those writers treat the question professedly, but touch it only incidentally; and that it is natural to all, upon the slight and occasional mention of an event, to ascribe it to the principal agent, concerned in its production; so as to impute the acts of popular assemblies to the Prince or ruling Magistrate, who convened and presided in them, and had the chief influence perhaps in determining the transactions themselves. Thus when *Livy* tells us, *that the Præfect of the city created the first Consuls; and that Brutus, one of these Consuls, created P. Valerius, his Collegue in that office; or that the Interrex on other occasions created the Consuls, or that the Pontifex Maximus was ordered by the Senate to create the first Tribunes* [1], he means nothing more, than that those Magistrates called the people together, in order to make such creations, in which they assisted and presided [2]. And as this is the usual stile of all writers, so it is peculiarly of those, who write the history of their own country, and for

[1] Duo Consules inde, Papirium Curforem. Ibid. comitiis centuriatis, a Præ- ix. 7.
fecto Urbis, ex commentariis Factum S. C. ut Q. Furius, Servii Tullii, creati sunt. Liv. Pont. Max. Tribunos plebis
1. i. 60. crearet. Ibid. iii. 54.

Brutus Collegam sibi co- [2] Ibi extemplo, Pontifice
mitiis centuriatis creavit P. Maximo comitia habente,
Valerium. Ibid. ii. 2. Tribunos plebis creaverunt.

Is Consules creavit Q. Ibid.
Publium Philonem & L.

the information of their own people; who have not the patience to treat minutely of things, which they suppose to be known to their readers, as well as to themselves: and hence it sometimes happens, that the origin of customs and constitutions of the greatest importance are left dark and obscure, not only to strangers, but even to the natives of later ages.

The case however is different, with *Dionysius of Halicarnassus*; who professes to write for the instruction of strangers; and to explain the civil government of *Rome*, and the origin of its laws with the diligence of an Antiquary, as well as the fidelity of an Historian. This celebrated author then informs us, that when *Romulus* had formed the project of his Senate, consisting of an hundred members, he reserved to himself the nomination only of the first, or President of the assembly, and gave the choice of all the rest to the people, to be made by a vote of their Tribes and their *Curiaë*. Must we then prefer one Greek to all the Latin writers? Yes, as we prefer one credible and positive evidence, to many of a negative kind; or one, who searches things to the bottom, to any number, who, without the pains of searching, take up with the popular and vulgar accounts of things.

But of all the Roman writers, whom your Lordship has cited, as *Livy* is the chief, so he will be found perhaps to be the only one, who in the present case deserves any regard from us; the rest of them for the most part, being
but

but transcribers or epitomizers of him, rather than historians: so that in effect, it is the single credit of *Livy*, which, in the question before us, stands opposed to *Dionysius*, and where these two happen to differ, it cannot be difficult to decide, which of them ought to have the preference; nay, it is already decided by the judgement of all the best critics; who, upon the comparison, have universally preferred the diligence and accuracy of *Dionysius*, to the haste and negligence of *Livy* [1].

Let us procede then with our history. Upon the peace and league of union made between *Romulus*, and *Tatius*, King of the *Sabins*, the number of the Senate, as *Dionysius* writes, was doubled by the addition of an hundred new members from the *Sabin* families; all chosen by the people in the same manner as before: in which account, he says, all the old writers concur, excepting a few, who declare the additional number of *Sabins* to have been only fifty [2]:

[1] Multa enim *Dionysius* de Romanorum ceremoniis religionibusque in Deos; non pauca de variis ritibus atque institutis, deque eorum legibus ac tota politia accurate diligenterque scripsit, quæ *Livius* cæterique Historici partim omnino prætermiserunt, partim leviter tantum strictimque attigerunt. H. Steph. in *Dionys.* c. 6.

Cujus major fides in histo-

ria, quam *Livii*, *Tranquilli*, *Taciti*, *Arriani*. Ant. Possévin. Multis argumentis mihi persuasi, antiquissima hæc populi Romani gesta longe diligentius a *Dionysio*. Onuph. Panvin. Comm. in Fast. p. 62.

See the testimonies of authors prefixed to Hudson's edit. of *Dionysius*.

[2] Lib. iii. 47. Edit.

Hudson,

which

which may serve as a specimen of the diligence of this author's inquiries: whereas *Livy* is not only silent about this augmentation of the Senate, but, as your Lordship owns, expressly contradicts it. Yet all the later writers, and your Lordship with the rest, chuse to follow *Dionysius* in opposition to him: and if in this case of the augmentation, why not in the other, of the nomination of the Senators? for as far as the case can be determined by authority, the character of *Dionysius* will bear us out in adhering to him, preferably to all others; especially in points of antiquity, or things remote from their own knowledge. Let us examine therefore, in the next place, what facts may be collected within this period, to confirm the testimony of *Dionysius*.

All historians agree, that great powers and privileges were originally granted to the people by *Romulus*: who had no sooner secured his new city by a wall, than he began to provide laws for the citizens, because nothing else could unite a multitude into one common body [1]. This was his first care, according to *Livy*, and one of his first laws, according to *Dionysius*, was, to divide the people into *three tribes*, and each tribe into *ten curiæ*, for the more convenient method of voting and transacting the public business in their assemblies [2]. He had

[1] Vocata ad concilium alia re, præterquam legibus
multitudine, quæ coalescere poterat, jura dedit. Liv. i. 8.
in populi unius corpus nulla

[2] Dionys. l. ii. 7.

reigned eleven or twelve years before his union with the *Sabins*: which makes it probable, that he made this division of the people before that æra; and settled what was the first thing necessary, the form of his political government.

Each of the thirty *Curie* of *Old Rome* had a temple or chapel, assigned to them, for the common performance of their sacrifices and other offices of religion: so that they were not unlike to our parishes. Some remains of which little temples seem to have subsisted many ages after on the Palatine hill [1], where *Romulus* first built the city, and always resided: whence *Manutius* infers, that the institution of the *Curie* was previous to the union with the *Sabins*, since these were seated separately from the Romans on the *Capitoline* and *Quirinal* hills [2]: which confirms likewise the account of *Dionysius*, and takes off, what your Lordship alledges as an objection to it, that the *Curie* were not yet established, when he supposes the Senate to have been elected by them.

Again, it is agreed likewise by all, that *Romulus* instituted the *Comitia Curiata*; or the public assemblies of the people, called to vote in their several *Curie*; and that the matters subjected to their decision, were, the choice of all the magistrates, and the right of making of laws, war and peace. An ample jurisdiction, and in the most important articles of govern-

[1] Tacit. Annal. xii. 24.

[2] Dionys. l. ii. 50.

ment ; yet not wholly absolute, as *Dionysius* says, unless the Senate concurred with them [1].

But this method of transacting all the greater affairs by the people, assembled in their *Curia*, after it had subsisted through five successive reigns, was found to be inconvenient. For in assemblies so constituted, where every individual had an equal vote, the issue of all deliberations must depend of course on the poorer sort, who are always the most numerous, though not always the most reasonable or incorrupt ; so that *Servius Tullius*, the sixth King, in order to correct this inconvenience, instituted a new division of the people into *six classes*, according to a *census*, or valuation of their estates : then he subdivided these classes into *one hundred and ninety three centuries*, and contrived to throw a majority of these centuries, that is, *ninety eight of them*, into the first class of the richest citizens : by which regulation, though every man voted now in his *Century*, as before in his *Curia*, yet, as all matters were decided by a majority of the *Centuries*, so the balance of power was wholly transferred into the hands of the rich ; and the poorer sort deprived of their former weight and influence in the affairs of state [2] : which wise institution was ever after observed through all

[1] *Dionys.* c. xiv.

[2] Non enim viritim suffragium eadem vi eodemque jure promiscue omnibus datum est : sed gradus facti, ut

neque exclusus quisquam suffragio videretur, & vis omnia penes primores civitatis esset. *Liv.* i. 43. it. *Dionys.* l. iv. 20, 21.

succeeding ages, in the elections of the principal magistrates, and the determination of all the principal transactions of the Republic.

These facts, confirmed by all writers, shew the power of the people to have been extremely great, even under the regal government. It extended to the choice, not only of their Kings, but of all the other Magistrates, and I find no reason to imagine, that the Senators were excepted, or none at least, sufficient to balance the contrary testimony of so grave an author as *Dionysius*.

On the demolition of *Alba* by *Tullus Hostilius*, some of the chief families of that city were enrolled likewise into the Senate. *Livy* reckons six, *Dionysius* seven [1]: and *Manutius*, to make their accounts consist with what is delivered concerning the limited number of the Senate, imagines, that these *Albans* were not created Senators, but *Patricians* onely, and by that means rendered capable of being chosen into the Senate on the occasion of a vacancy. But it may be supposed perhaps with more probability, that the number of *Albans*, taken into the Senate at that time, was no more than what supplied the vacancies then subsisting, so as to fill it up to its settled complement of two hundred. This affair, however, as *Dionysius* intimates, was not transacted without the consent both of the Senate and the people.

[1] Liv. i. 30. Dionys. iii. 29.

The last augmentation of the Senate, under the Kings, was made by *Tarquinius Priscus*, who added *an hundred* new members to it, from the *Plebeian* families, and so enlarged the whole number from two to *three hundred*. He did this, as *Livy* informs us, to strengthen his particular interest, and to raise a sure faction to himself in the new Senators of his own creation [1]; whence M. *Vertot* draws a conclusion, that the people had no share in this election [2]. But it is incredible, that an innovation of such importance, which must needs disgust the Nobles, should be attempted and established by an elective King, if he had not been supported by the power and suffrages of the commons: and especially by a Prince, so cautious of giving jealousy to his subjects, that he would not accept the robes and ensigns of sovereign power, which were presented to him by the *Tuscan*s, whom he had subdued in war, till he had first consulted the Senate and the people, and obtained their approbation [3].

But your Lordship here remarks, that *Dionysius* himself ascribes this act to the Prince, without any mention of the people [4]: To which I answer, that after he had precisely and frequently explained the whole process of filling up the Senate, might he not think it needless

[1] *Factio haud dubia regis, cujus beneficio in curiam venerant.* Liv. i. 35.

[2] See M. *Vertot's* answer

to E. *Stanhope*.

[3] *Dionys.* iii. 62.

[4] *Id.* 67.

to repeat the ceremonial on every occasion? might he not imagine, that what he had before so particularly described, would be applied to every subsequent case of the same kind? and when he had once settled this point, was it not natural for him, like all other writers, and for the sake of brevity, to impute the act done in consequence of it, to the principal mover and director of it? Since *Dionysius* then, the most accurate of the Roman historians, and who treats the particular question under debate more largely and clearly than any of them, is expressly on my side; and since all the rest, who seem to differ from him, touch it but slightly and incidentally, nor yet absolutely contradict him; I cannot help thinking, that, as far as authority reaches, my hypothesis must appear to be better grounded than your Lordship's.

I shall consider therefore, in the last place, how far it is confirmed by arguments, drawn from the nature and fundamental principles of the Roman government, as it was administered under the Kings. The first citizens of *Rome* were all voluntary adventurers, whom their young leader *Romulus* had no power either to force, or means to attach to his service, but the promise of large immunities and rights, and a share with him in the administration of the common affairs. This indulgence was necessary to his circumstances; and we find accordingly, that he granted them all the privileges even of a *Democracy*; the right of making laws, war and
peace,

peace, with the choice of all their magistrates; and most probably therefore of the Senators. Now when these rights had been once granted and possessed by the people, it is not credible, that they would ever suffer themselves to be deprived of them; or that Kings elective, and of so limited a jurisdiction, should be disposed, or able to wrest them wholly out of their hands. Their first King *Romulus* no sooner began to violate the constitutions, that he himself had made, than, as it is commonly believed, he was privately taken off [1]: and their last King *Tarquinius*, by a more open and violent infringement of their liberties, not onely lost his crown, but gave occasion to the utter extinction of the kingly government [2]. The intermediate Kings do not seem to have made any attempt upon the liberties of the people: for in the case abovementioned, when *Servius Tullius* contrived to reduce the authority of the poorer sort, it was to advance that of the rich; and to change onely the hands, not the power of his masters; to whom, as *Cicero* intimates, and as *Seneca*, upon his authority, declares, there lay an appeal

[1] Οἱ δὲ τὰ πῦρ ἀνέταλα
γραφίης, πρὸς τῶν ἰδίων πολιτῶν
λίξεσιν αὐτὸν ἀποθανεῖν. Dionys.
ii. 56. it. Appian. de Bell.
Civ. ii.

[2] Hic enim regum pri-
mus traditum a primoribus
morem de omnibus Senatam

consulendi solvit; domesticis
confiliis remp. administravit,
bellum, pacem, fœdera, so-
cietates per se ipse, cum qui-
bus voluit, injussu populi ac
Senatus, fecit diremitque.
Liv. i. 48.

from the magistrates, and even from the Kings themselves [1].

The Kings, indeed, by virtue of their office, must needs have had a great influence over the deliberations of the people. It was their prerogative to call the people together; to preside in their assemblies; to propose the affairs to be debated; or the persons to be elected; and to deliver their own opinion, the first [2]. So that we need not wonder, that the writers, who are not treating the matter critically, should impute to them the result of all the public councils. They constantly do it in the affairs of *war and peace*, which yet was the unquestionable prerogative of the people; and when they do it therefore in the case before us, it cannot be alledged, as an argument of any weight, against the people's right of *choosing the Senators*.

On the whole; since the origin of *Rome* itself is involved in fable and obscurity, it is not strange, that the first transactions of its citizens should also be obscure and uncertain: but upon the strictest search into the state of the present question, as it stood under the kingly govern-

[1] Partim regiis institutis, partim etiam legibus auspicia, cærimoniæ, provocationes, &c. Cic. Tusc. Quæst. iv. 1.

Æque notat, Romulum periisse solis defectione, provocationem ad populum etiam a regibus fuisse. Id ita in

pontificalibus libris aliqui putant, & Fenestella. Senec. Epist. cviii.

[2] Βελὸν τε συνάγειν, καὶ δῆμοι συγκαλεῖν καὶ γνώμης ἀρχειν, καὶ τὰ δόξα πάντα τοῖς πλείοσιν ἐπιτελεῖν. ταῦτα μὲν ἀπέδωκε βασιλεὺς τὰ γέγρα. Dionys. l. ii. 14.

ment,

ment, I cannot but conclude, from the express testimony of the best historian, the concurrence of similar facts, and the probability of the thing itself, that *the right of choosing Senators* was originally and constitutionally vested in the people.

We are now arrived at the Consular state of *Rome*: and upon this memorable change of government, and the expulsion of their Kings, effected with such spirit and resolution by an injured people, for the recovery of their just rights, we may expect to find them in the possession of every privilege, which they could legally claim. For our reason would suggest, what all authors testify, that in the beginnings and unsettled state of this revolution, great complaisance and deference would necessarily be paid by the Senate to the body of the Commons [1]. I shall examine then, what facts and testimonies may be alledged in favor of my opinion, during this first period of the Consular government, till the creation of the Censors, which includes the space of sixty seven years.

The first exercise of the people's power was, to elect two Consuls, to supply the place of the ejected King: who were now chosen, as they were ever after, in the *Comitia centuriata*, or by a vote of the people assembled in their centuries, according to the institution of *Servius Tullius*: and the first care of the new Consuls was, to

[1] *Multa blandimenta plebi per id tempus a Senatu data.*
Liv. i. 9.

secure to the people all their rights, which their late King *Tarquin* had violated; particularly, the decision of all the great affairs of state in their public assemblies [1].

P. Valerius, the Collegue of *Brutus* in the Consulate, was so warm an assertor of the authority of the people, that he acquired by it the name of *Poplicola* [2]. Yet happening to build his house upon an eminence, he gave umbrage to the citizens, as if he had designed it for a citadel, and affected a power dangerous to their liberty. Upon which, he demolished what he had built, and calling the people together, in order to justify himself, commanded his officers, on their entrance into the assembly, to submit and let fall *the fasces*, or ensigns of his magistracy, as an acknowledgement, that *the majesty of the Commons* was superior to that of the Consuls [3]. If the power therefore of the Consuls was the same with that of the Kings, as all the ancient writers declare [4], it is certain, that the power

[1] Dionys. v. 2.

[2] Qui populi majestatem venerando *Poplicolæ* nomen assecutus est. Val. Max. iv. 1.

[3] Gratum id multitudini spectaculum fuit, submissa sibi esse imperii insignia; confessionemque factam, populi quam Consulis majestatem, vimque majorem esse. Liv. ii. 7. Vid. Dionys. v. 19.

[4] Sed quoniam regale civitatis genus probatum

quondam, postea non tam regni quam regis vitiis repudiatum est, res manebat, cum unus omnibus magistratibus imperaret. Cic. de Legib. iii.

Libertatis autem initium inde magis, quia annum imperium Consulare factum est, quam quod diminutum quicquam sit ex regia potestate, omnia jura, omnia primi Consules tenuere. Liv. ii. 1.

of the people was always superior to them both.

This was the state of things in the infancy of the Republic; in which the people were much caressed by the nobles, as long as there was any apprehension of danger from their deposed King or his family [1]: and in these circumstances, the Senate, which had been reduced, by *Tarquin's* arbitrary reign, to half its legal number, was filled up to its former complement of *three hundred*, by *Brutus* and *Valerius*; or by the one or the other of them, as writers differently relate it. All that *Dionysius* indeed and *Livy* say upon it, is, *that a number of the best citizens were chosen from the commons to supply the vacancies* [2]. But we cannot imagine, that an act of so great moment could pass without the special command and suffrage of the people, at a time, when nothing else of any moment passed without it: the reason of the thing, and the power of the people in all similar cases, must persuade us of the contrary.

The next fact, that relates to our question, is, the admission of *Appius Claudius* into the Senate. He was one of the Chiefs of the *Sabin* nation, who deserted to *Rome*, with a body of his friends and dependents, to the number of five thousand; to whom the freedom of the city, and lands were publickly assigned, and

[1] Plebi, cui ad eum diem summa opē inservitum erat. 13.
Liv. ii. 21.

[2] Liv. ii. 1. Dionys. v.

to *Appius* himself a place in the Senate. *Livy* does not say, by what authority this was done; but *Dionysius*, that it was by an *order of the Senate and people* [1]: that is, by a previous decree of the Senate, approved and ratified by an assembly of the commons: which was the legal and regular way of transacting all the public business, from the very beginning of the Republic, and continued generally to be so, in all quiet and peaceable times, to the end of it [2].

These are the onely examples of filling up the Senate, from the expulsion of the Kings, to the creation of the Censors: and though we are not directly informed, by what authority they were effected, yet it is certain, that it was by the intervention and power of the people; agreeably to the express testimony of *Cicero*, and the speech of *Canuleius* the Tribun, referred to by your Lordship, wherein it is declared, that from the extinction of the Regal government, the

[1] Ἀπὸ τῆς βουλῆς καὶ τοῦ δήμου εἰς τε τὰς πολιτικὰς αὐτῶν ἐνίσταται. *Dionys.* l. v. 40. *Liv.* ii. 16.

[2] Brutus ex S. Co. ad populum tulit. *Liv.* ii. 2.

Per intercessionem Collegarum, qui nullum plebiscitum nisi ex auctoritate Senatus, passuros se perferri, ostendunt, discussum est. *Liv.* iv. 49.

Potestas in populo, auctori-

tas in Senatu est. *Cic.* de Leg. iii.

Decreverunt Patres, ut cum populus regem jussisset, id si ratum esset si patres auctores fierent: hodieque in legibus Magistratibusque rogandis, usurpatur idem jus, vi adempta, priusquam populus suffragium ineat, in incertum comitiorum eventum patres auctores fiunt. *Liv.* i. 17.

admission

admission of all members into the Senate was given by *the command of the people* [1].

From these augmentations just mentioned, to the institution of the Censorship, there is an interval of sixty years or more, without the mention of any review or supply of the Senate whatsoever: and yet there must have been some constant method of supplying it during that time, or it would have been wholly extinct. The Consuls, whose province it then was to hold *the Census, and general Lustration* of the citizens, as oft as they found it necessary, had, in consequence of that duty, the task also of settling the roll of the Senate at the same time. Yet there is no instance recorded, of the exercise of that power, or of any act relating to it, either by the admission or ejection of any Senators: so that the state of the Senate in this period is left wholly dark to us by the ancients, nor has been explained, as far as I know, by any of the moderns.

The most probable account of the matter is this; that the Senate began now to be regularly supplied by the annual Magistrates, who were instituted about this time, and chosen by the people. These were two *Quæstors* of *Patrician* families, and *five Tribuns* of the people, with

[1] Deligerentur autem in id consilium ab universo populo, aditusque in illum summum ordinem omnium civium industriæ ac virtuti pariteret. Cic. pr. Sext. § 137. Aut ab regibus lecti, aut post reges exactos, jussu populi. Liv. iv. 4.

two *Ædiles* of *Plebeian* families; to which *five* *mere Tribuns* were afterwards added: and if we suppose all these to have had an admission into the Senate by virtue of their office, and consequently a right to be enrolled by the Consuls at the next lustrum, this would yield a competent supply to the ordinary vacancies of that assembly: which might receive some accession also from the *Decemviri*, who were not all Patricians, nor yet Senators perhaps, before their election to that magistracy. If this was the case, as I take it to have been, it will help us to account for the silence of authors about it, as being a thing, that succeeded of course, so as to have nothing in it remarkable, or what seemed to deserve a particular recital.

The office of *Quæstor*, which was instituted the first, is always mentioned by the ancients, as the first step of honor in the Republic, and what gave an entrance into the Senate [1]. As to *the Tribuns*, it has been taken for granted, on the authority of *Valerius Maximus*, that, on their first creation, they were not admitted into the Senate, but had seats placed for them before the door, in the vestibule [2]. But we may reasonably conclude, that a Magistrate so ambitious

[1] Quæstura, primus gradus honoris. Cic. in Ver. Act. i. 4.

[2] Illud quoque memoria repetendum est, quod Tribunis plebis intrare Curiam non

licebat: ante valvas autem positis subselliis, decreta patrum attentissima cura examinabant. Val. Max. l. ii. c. ii. 7.

and powerful, who could controll, by his single negative, whatever passed within doors, would not long be content to sit without. *A. Gellius* says, that they were not made Senators before the law of *Atinius* [1]; who is supposed to be *C. Atinius Labeo*, Tribun of the people, A. U. 623 [2]: but that cannot possibly be true, since it is evident from the authority of *Dionysius*, that, near four centuries before, *the Tribuns*, by the mere weight and great power of their office, had gained an actual admission into the Senate within two years after their first creation [3]: in which we find them debating and enforcing, with great warmth, the demands of the Commons, for a liberty of *intermarriages with the nobles, and the choice of a Plebeian Consul* [4]: so that the intent of this *Atinian* law could not be, as it is commonly understood, that the Tribuns should be Senators in virtue of their office, for that they had been from the beginning, but that for the future, they should always be chosen out of the body of the Senate,

[1] Nam & Tribunis plebis Senatus habendi jus erat, quanquam Senatores non essent, ante Atinium Plebiscitum. *A. Gell.* xiv. 8.

[2] Vid. Pighii *Annales*, A. U. 623.

Ταῦτα δὲ ὁρῶντες οἱ δῆμαρχοι παρεῆσαν γὰρ τῷ συνεδρίῳ, παρακληθεῖσιν ὑπὸ τῶν ὑπάτων.

Dionys. l. vii. 25. A. U. 263.

Καὶ τὸτο ἔπειτα ἡμᾶς οἱ σύμβουλοι τὸ ἀρχεῖον ἰᾶσαι παρελθὼν εἰς τὴν βουλὴν. *Ibid.* 49.

[3] Ἐπειτα συναχθεῖσιν εἰς τὸ βουλευτήριον οἱ σύμβουλοι, παρόντων καὶ τῶν δῆμαρχων. *Dionys.* l. x. 11.

[4] *Liv.* iv. 1, 2, 3. *Dionys.* xi. 57.

or,

or, which is the same thing, out of those, who had already born the office of *Quæstor*.

About thirteen years before the creation of the Censors, the Tribuns began to assume a right of summoning or convoking the Senate; and of propounding to them whatever they thought proper [1]. A prerogative, which the Consuls alone had ever exercised before; and which I take to be a clear proof of their being then members of the Senate: and I find also, that two Patricians, even of Consular dignity, were elected Tribuns of the people about the same time, in an extraordinary manner [2]: which can hardly be accounted for, without supposing this Magistracy to have had an admission into the Senate.

Some few years before this, upon the death of one of the Consuls and the sickness of the other, at a time of great consternation in *Rome*, the supreme power and care of the public was committed to the *Ædiles* [3]: which great deference to their office, makes it reasonable to conclude, that these magistrates also were at this time in the Senate, as they unquestionably were within a short time after. But the warm contest

[1] Dionys. x. 31.

[2] Novi Tribuni plebis in cooptandis collegis, Patrum voluntatem foverunt: duos etiam Patricios Consularesque Sp. Tarpeium & A. Aterium cooptavere. Lib. iii.

65.

[3] Circuitio & cura Ædilium plebei erant: ad eos summa rerum ac majestas Consularis imperii venerat. Liv. iii. 6, 7.

hinted above, about the right of electing a *Plebeian Consul*, which continued on foot for a long time, seems to demonstrate the truth of my opinion ; it being wholly incredible, that the Commons should demand to have one of their body placed at the head of the Senate, before they had obtained so much as an entrance into it, for any of the other plebeian magistrates.

I cannot omit the mention of one fact more, not foreign to our present purpose, though it did not happen till about two hundred years later ; which is this ; the *Flamen Dialis*, or sovereign priest of *Jupiter*, revived an ancient pretension to a seat in the Senate, in right of his office ; which, by the indolence of his predecessors, had not been claimed or enjoyed for many generations. The *Prætor* rejected his claim, nor would suffer him to sit in that assembly : but, upon his appeal to the *Tribuns*, that is, to the people, his right was confirmed, and he was allowed to take his place as a Senator [1]. This case shews, that the privilege of the Senate might be annexed to an office, without any notice taken of it by the historians ; for we have not the least hint from any of them, of the origin of this *Flamen's* right ; nor any mention of him as a Senator, but on this very occasion : though, by the manner of his appeal, the claim seems to have been grounded on some old grant from the people.

[1] Liv. xxvii. 8.

But it may perhaps be objected, that though the annual magistrates might furnish a tolerable supply to the ordinary vacancies of the Senate, yet there must have been some other method of providing for the extraordinary deficiencies, made by the calamitous accidents of wars abroad, or sickness at home, of which there are several instances in the Roman history. In answer to which, it must be owned, that the Senate, in such particular exigencies, would demand a larger supply, than the public offices could furnish: and the method of supplying it seems to have been regulated by what the first Consuls did, upon the first enrollment and completion of the Senate: for this was probably the standing precedent; agreeably to which, all the future Consuls, as we may reasonably presume, used to pitch upon a number of the best and most reputable citizens of the Equestrian rank, to be proposed to the choice and approbation of the people in their general assembly; who, by approving and confirming the list, gave them a complete and immediate right to the rank and title of Senators during life.

This will appear still more probable, by reflecting on a fact or two delivered by all the Historians. *Sp. Maelius*, who was attempting to make himself King, was one of the most wealthy and popular Commoners of the Equestrian order, yet from *Livy's* account, it is plain, that he was a Senator: for his first ambition, it

is

is said, was onely to be chosen Consul, which seems to imply it: but the Dictator's speech concerning him directly asserts it: for he observes with indignation, that *he, who had not been so much as a Tribun, and whom, on the account of his birth, the city could hardly digest as a Senator, should hope to be endured as a King* [1].

About forty years after this, *P. Licinius Calvus*, another eminent commoner, was elected one of the military Tribuns with consular authority. He was the first plebeian, who had been raised to that dignity: but history has not informed us, what particular merit it was, that advanced him to it: for, as *Livy* observes, *he had passed through none of the public offices, and was only an old Senator of great age* [2]. If we should ask, then, how these two Plebeians came to be made Senators, without having borne any magistracy, there is no answer so probable, as that they were added to the roll of the Senate, with other eminent citizens, by the command of the people, on some extraordinary creation. For if the nomination had wholly depended on the will of any *Patrician* magistrate, it is scarce to be imagined, that he would have bestowed that honor on *Plebeian* families.

[1] Ex equestri ordine, ut illis temporibus, prædices—
cui Tribunatus plebis magis optandus quam sperandus—
ut quem Senatorem conco-

quere civitas vix posset, regem ferret. Liv. iv. 13. 15.

[2] Vir nullis honoribus usus, vetus tamen Senator & ætate jam gravis. Liv. v. 12.

I shall procede in the next place, to consider the State of the Senate, after the establishment of the Censors, and try to reconcile my hypothesis, with the great power and authority delegated to these magistrates in the affair of creating Senators, in which the whole difficulty of the present question consists.

The people were now, as the ancient writers tell us, the sole arbiters of rewards and punishments, on the distribution of which depends the success of all governments; and in short, had the supreme power over all persons and all causes whatsoever [1]. These accounts leave no room for any exception, and make it vain to suppose, that the commons, in this height of power, would establish a private jurisdiction, to act independently and exclusively of their supremacy. But besides the proofs already alleged of their universal prerogative, we have clear evidence likewise of their special right in this very case of making Senators. The testimony of *Cicero*, produced above, is decisive; and the frequent declarations, which he makes, both to the Senate and the people, that he owed all his honors, and particularly his seat in the

[1] Quum illi & de Sempronio & de omnibus summam populi Romani potestatem esse dicerent. Liv. iv. 42.

Populus Romanus, cujus est

summa potestas omnium rerum. Cic. de Harusp. respons.

6. Vide Polyb. l. vi. 462.

B. Τιμῆς γὰρ ἐστὶ καὶ τιμωρίας ἐν τῇ πολιτείᾳ μόνος ὁ δῆμος κύριος, &c.

Senate, to the favour of the people [1], are unquestionable proofs of it. For such speeches delivered in public, and in the face of the Censors themselves, must have been considered as an insult on their authority, and provoked their animadversion, if they had not been confessedly and indisputably true. The testimony of *Cicero* is confirmed also by *Livy* [2], which gives occasion to *M. Vertot* to observe, *That the sole right of creating Senators is attributed to the people by two of the most celebrated writers of the republic.* But after the acknowledgment of so great an authority, he affirms, too inconsiderately, in the very next words, *that all the facts and examples of history are clearly against it* [3]. For whatever those facts may seem to intimate, on a slight view, and at this distance of time, yet it is certain, that they must admit such an interpretation, as is consistent with a testimony so precise and authentic.

[1] Rex denique ecquis est, qui Senatorem Populi Romani tecto ac domo non invitet? qui honos non homini solum habetur, sed primum *Populo Romano*, cujus beneficio in hunc ordinem venimus. In Ver. l. iv. 14.

Si populum *Romanum*, cujus honoribus in amplissimo concilio & in altissimo gradu dignitatis, atque in hac omnium terrarum arce collocati sumus. Post redit. in Sen. 1.

Et palam fortissime atque honestissime dicerent, se potuisse judicio populi Romani in amplissimum locum pervenire, si sua studia ad honores petendos conferre voluissent. Pr. Cluen. 56.

[2] Aut ab regibus lecti, [in Senatum] aut post reges exactos, jussu populi. Liv. iv 4.

[3] Réponse au Memoire de Ld. Stanhope.

But in truth, the people's right of chusing magistrates, was the same with that of chusing Senators; since the magistrates by virtue of their office obtained a place of course in the Senate; that is, *the Quæstors, Tribuns of the people, Ædiles, Prætors, Consuls*; for this was the regular gradation or steps of honor, which every man, in the course of his ambition, was to ascend in their order. A method, contrived with great prudence and policy; by which no man could be entrusted with the supreme power, and the reins of government, till he had given a specimen of his abilities, through all the inferior offices, and subordinate branches of it: and we find accordingly in the old Fasti or Annals, many examples of persons who had proceeded regularly through them all [1].

The young Patricians, indeed, proud of their high birth, and trusting to the authority of their families, would often push at the higher offices, without the trouble of soliciting for the lower. But this was always resented and complained of by the Tribuns, as an infringement of the constitution; *That the nobles in their way to the Consulship, should jump over the intermediate steps, and slight the inferior honors of Ædile and Prætor*: as in the case of *T. Quinctius Flaminius*, who, from his first preferment of *Quæstor*, was elected Consul by the authority of the Senate [2]: and

[1] Q. Cassius Longinus 580, Ædile 583, Prætor 586, was chosen Quæstor A. U. Consul 589, Vide Pigh. Annal. 575, Tribun of the people

[2] Comitia per Tribunos
it

it was to correct this license and irregularity, that *Sylla* afterwards, by a special law, enjoined the obligation of passing through the inferior offices, as a necessary qualification for the Consulate. But the practice itself did not derive it's origin from this *Cornelian* law, as your Lordship seems to intimate, but was grounded on a constitution or custom of ancient standing.

Let us examine then, after all, what part really belonged to the Censors, in this affair of creating Senators. This magistracy was first instituted, A. U. 311. not to take any share of power from the people, but of trouble only from the Consuls: who now began to have more of it than they could possibly discharge: and the special business of these Censors, was to ease them of the task of holding the *Census* and *Lustrum*, which the Consuls had not been able to do for seventeen years past: that is, to take a general review of the whole people, as oft as there should be occasion; to settle the several districts and divisions of the tribes; to assign to every citizen his proper rank and order, according to a valuation of his estate; and lastly, to call over the Senate, and make a fresh roll, by leaving out the names of the deceased, and add-

pl. impediabantur, quod T. Quinctium Flaminium Consulatum ex Quæstura petere non patiebantur. Jam Ædilitatem Præturamque fastidiri, nec per honorum gradus

documentum sui dantes, nobiles homines tendere ad Consulatum, sed transcendendo media imis continuare. Liv. xxxii. 7.

ing those, who had acquired a right to fill their places : that is, the magistrates, who had been elected into their offices since the last call.

But besides this task, which was purely ministerial, they had the particular cognizance and inspection of the manners of all the citizens, and, in consequence of it, a power to censure or animadvert upon any vice or immorality, in all orders of men whatsoever ; which they took an oath to discharge without favour or affection. But this power reached no farther than to inflict some public mark of ignominy, on lewd and vicious persons, in proportion to the scandal, which they had given, by degrading or suspending them from the privileges of that particular rank, which they held in the city. This was their proper jurisdiction, and the foundation of their power over the Senate ; by virtue of which, they frequently purged it of some of its unworthy and profligate members ; by leaving out of the new-roll, the names of those Senators, whom they found unworthy to sit in that august assembly, for the notoriety of their crimes ; which they used commonly to assign, as the cause of their inflicting this disgrace [1]. There are

[1] Censor, penes quem maiores nostri judicium Senatus de dignitate esse voluerunt. Cic. pro Dom. 51.

Hic annus Censuræ initium fuit ; rei a parva origine ortæ : quæ deinde tan-

to incremento aucta est, ut morum disciplinæque Romanæ penes eam regimen, Senatus, Equitumque centuriæ, decoris decorisque discrimen sub ditione ejus magistratus. Liv. iv. 8.

many examples of Senators thus expelled by the Censors, generally for good reasons; yet sometimes through mere peevishness, envy, or revenge [1]: but in such cases, there was always the liberty of an appeal to the final judgment of the people. So that the Censorian power, properly speaking, was not that of making or unmaking Senators, but of enrolling only those whom the people had made; and of inspecting their manners, and animadverting upon their vices; over which they had a special jurisdiction delegated by the people. Their rule of censoring seems to have been grounded on an old maxim of the Roman policy, injoining, *That the Senate should be pure from all blemish, and an example of manners to all the other orders of the city*: as we find it laid down by Cicero in his book of laws, which were drawn, as he tells us, from the plan of the Roman constitution [2].

It is certain, that several laws were made at different times to regulate the conduct of the

Patrum memoria institutum fertur, ut Censores Senatu motis adscriberent notas. Id xxxix. 42.

[1] See the account of the Censorship of C. Claudius Nero, and M. Livius Salinator, in which they both peevishly affronted and disgraced each other, and were called to an account for their administration by one of the

Tribuns. Itaque ibi scdum certamen inquinandi famam alterius cum suæ famæ damno factum est—Cn. Bæbius Tribunus plebis ad populum diem utrique dixit. Liv. xxxix. 37.

[2] Censores probum in Senatu ne relinquunt, is ordo vitio careto. Ceteris specimen esto. Cic. de Leg. iii.

Censors,

Censors, of which we have now no remains. *Festus* speaks of one, not mentioned by any other writer, the *Ovinian law*; by which they were obliged, in making up the roll of the Senate, to take the best men of every order, chosen in an assembly of the *Curiae* [1]. This law was probably made soon after the creation of the Censors, or as soon at least as they began to extend their power, and use it arbitrarily; in order to reduce them to the original constitution. *Cicero* takes occasion to observe, in one of his speeches, “That their ancestors had provided many checks
“and restraints on the power of the Censors:
“that their acts were often rescinded by a vote
“of the people: that the people by marking a
“man with infamy, or convicting him of any
“base crime, deprived him at once of all future
“honors, and of all return to the Senate; but
“that the Censorian animadversion had no such
“effect; and that the persons disgraced by it
“were commonly restored to the Senate, and
“sometimes made even Censors after it themselves [2].” And in another place he says, “That the judgment of the Censors had no
“other force, than of putting a man to the
“blush; and that it was called ignominy, because it was merely nominal [3].

[1] *Donec Ovinia tribunitia intervenit, qua sanctum est, ut censores ex omni ordine optimum quemque cu-*

riatim Senatu legerent. In voc. Præteriti.

[2] *Pro Cluent. 42, 43, 44.*

[3] *Fragment. de Rep. l. iv.*

L. Metellus

L. Metellus was animadverted upon by the Censors, while he was *Quæstor*: yet, notwithstanding that disgrace, was chosen Tribune of the people, the year following, A. U. 540: in which office, he called the Censors to an account before the people, for the affront, which they had put upon him; but was hindred by the other Tribuns, from bringing that affair to a trial [1]. We find likewise *C. Claudius* and *T. Sempronius* called to an account before the people for their administration in the Censorship [2]: and in a dispute between themselves, about the assignment of a proper tribe to the sons of slaves made free, *Claudius* alledged, *that no Censor could take from any citizen his right of suffrage, without the express command of the people* [3]. *Q. Metellus*, when Censor, left the name of *Atinius*, one of the Tribuns of the People, out of the roll of the Senate: but the Tribune, enraged by the affront, ordered the Censor to be seized and thrown down the *Tarpeian* rock; which would probably have been executed, if the other Tribuns had not rescued him. The same Tribune however took his revenge, by the solemn con-

[1] Extemplo Censoribus
— a *L. Metello* Tribuno
pleb. dies dicta ad populum
est. Quæstorem cum proximo
anno tribu moverant —
sed novem tribunorum auxilio,
vetiti causam in magistratu
dicere. Liv. xxiv. 43.

[2] Non recusantibus Cen-

soribus, quo minus primo
quoque tempore iudicium de
se populus faceret. Liv. xliii.
16.

[3] Negabat *Claudius* suffragii
lacionem injussu populi
Censorem cuiquam homini,
nedum ordini universo,
adimere posse. Liv. xlv. 15.

secration

secration of *Metellus's goods* [1]. Now these facts demonstrate, that the power of the Censors, instead of being absolute, as your Lordship contends, in the case of making Senators, had in reality little or no share in it; and was much limited also and restrained in, what is allowed to be their proper jurisdiction, the affair even of unmaking or degrading them.

Let us inquire, therefore, on what reasons *M. Vertot* has so peremptorily declared, that the facts and examples of history are contrary to this notion of the people's power: in the case under debate. By these facts, he means the instances of Senators created and expelled by the sole authority of the Censors, without any apparent consent or interposition of the people: and so far it must be allowed, that they seldom made a new roll of the Senate, without striking several out of it, as either their own tempers, or the particular condition of the times, disposed them to more or less severity: and their administration was usually reckoned moderate, when *three or four* onely were so disgraced by them [2].

[1] Atqui C. Atinius, patrum memoria, bona *Q. Metelli*, qui eum ex Senatu Censor ejecerat—consecravit; foculo posito in rostris, adhibitoque tibicino. Cic. pro Dom. 47.

Q. Metellus—ab C. Atinio Labeone—revertens e campo, meridiano tempore, va-

cuo foro & Capitolio, ad Tarpeium raptus ut præcipitaretur, &c. Plin. Hist. Nat. vii. 44.

[2] Censores T. Quintius Flaminius & M. Claudius Marcellus Senatum perlegerunt: quatuor soli præteriti sunt, nemo curuli honore usus, & in equitatu recensendo

But

But it must always be remembered, that the ejected Senators had the right of an appeal and redress from the people, if they thought themselves injured; and if they did not take the benefit of it, we may impute it to a distrust of their cause, and a consciousness of their guilt.

Cato the elder, when Censor, struck seven out of the roll of the Senate: and among the rest, one of Consular dignity; the brother of the great *T. Flaminius*. But the high quality of the person disgraced, obliged *Cato* to set forth the greatness of his crime in a severe speech; on which *Livy* remarks, "That, if he had made the same speech, by way of accusation, to the people, before his animadversion, which he made afterwards, to justify it, even *T. Flaminius* himself, if he had then been Censor, as he was in the preceding Lustrum, could not have kept his brother in the Senate." In the end of this speech, *Cato* puts the ejected Senator in mind, "That, if he denied the fact, with which he was charged, he might defend himself, by bringing the matter to a trial; if not, no body would think him too severely treated [1]." This case shews, what was the legal and ordinary method of relief, as well as the reason, why few perhaps were disposed to make use of it.

The Censors were generally men of the first

mitis admodum censura fuit.
Liv, xxxviii. 28.

[1] Liv. xxxix. 42, 43.

dignity in the city, and always of Consular rank; so that their acts had naturally a great weight: and the severity of their discipline was considered by the honest of all orders, as a great guard and security to the Republic: and when they acted even on spiteful and peevish motives, yet the parties injured would not always take the trouble of going through a trial, since they could be relieved without it, either by the next Censors, as they commonly were [1]; or by obtaining a new magistracy, in the next annual elections; by which they were restored of course to the Senate. But if any of these animadversions continued to have a lasting effect, it was always owing to an universal approbation of them from all the orders of the city: for whenever they appeared to be violent or grossly unjust, neither the Senate nor the people would endure it for a moment.

Thus when *Appius Claudius* the Censor, [A.U. 441.] upon some extraordinary deficiency in the Senate, filled up the new roll with some of those citizens, *whose grandfathers had been slaves*, contrary to the established rule and practice of the city, *there was not a soul*, as *Livy* says, *who looked upon that enrollment as valid* [2]: and the first thing, that the next Consuls did, was, to

[1] Eorum notam successores plerumque solvebant. Ascon. in Divinat. iii.

[2] Appii Claudii censura vires nata, qui Senatum

primus libertinorum filiis inquinaverat: & posteaquam eam lectionem nemo ratam habuit—Liv. ix. 46.

annul it by an appeal to the people, and to reduce the Senate to the old list, as it was left by the preceding Censors [1].

The office of Censor, at its first institution, was designed to be *quinquennial*, or to continue in the same hands for five years; but this length of magistracy, unknown before to *Rome*, was reduced soon after to one year and an half, by a law of *Mamercus Æmilius*, the Dictator: which regulation, though popular, provoked the Censors so highly, that, in revenge for this abridgment of their authority, they put the last disgrace upon the Dictator himself, by turning him even out of his tribe, and depriving him of his vote as a citizen. But a proceeding so extravagant was immediately over-ruled, nor suffered to have the least effect: and the people were so enraged at it, that they would have torn the Censors in pieces, had they not been restrained by the authority of *Mamercus* himself [2]: who, within eight years after, was made Dictator again for the third time. *So little regard was paid, as Livy observes, to the Censorian mark of disgrace, when it was inflicted unworthily* [3]: and

[1] Itaque Consules—initio anni, questi apud populum deformatum ordinem prava lectione Senatus,—negaverunt eam lectionem se, quæ sine recti pravique discrimine, ad gratiam libidinemque facta esset, observaturos.—Ibid. 30.

[2] Populi certe tanta indignatio coorta dicitur, ut vis a Censoribus nullius auctoritate præterquam ipsius Mamerci, deterreri quiverit. Liv. iv. 25.

[3] Adeo---nihil censoriarum animadversio effecit, quo minus regimen rerum ex no-

about a century after, we find one of the Tribuns speaking of this same fact, as a proof of the mischief, which the violence of these magistrates might do in the Republic [1].

I have hitherto been explaining the ordinary power and jurisdiction of the Censors, as far as it related to the creation of Senators. But as under the Consuls, so under these Magistrates, there must have been, as I observed, some extraordinary creations, made to supply the extraordinary vacancies, occasioned by wars and contagious distempers: and in all such cases, it was certainly a standing rule, to draw out a list of the best men from all the orders of the city, to be proposed to the suffrage and approbation of the people, in their general assembly.

We meet with no account indeed of any such extraordinary creation, under the authority of the Censors; nor even of any ordinary one, till one hundred and twenty years after their first institution, in the Censorship of *Appius Claudius*: yet from the reason of the thing we may fairly presume, that there had been several instances of both kinds. We read of a Dictator chosen for that very purpose, A. U. 537, at a time when there were no Censors in office, and when the Senate was reduced by the war with *Hanni-*

tata indigne domo peteretur.
Ibid. 30.

[1] Tenuit Æmilia lex violentos illos Censores---qui,

quid iste magistratus in Republic. mali facere possent, indicarunt, &c. Ib. 34.

bal, to less than half of its usual complement. This Dictator, *M. Fabius Buteo*, being a prudent and moderate man, resolved to take no step beyond the ordinary forms. “Wherefore he immediately ascended the *Rostra*, and in an assembly of the people, called thither for that occasion, ordered the last Censorian roll of the Senate to be transcribed and read over, without striking one name out of it: and gave this reason for it, that it was not fit for a single man, to pass a judgment upon the reputation and manners of Senators, which belonged by law to two. Then in the place of the dead, he first added those who had borne any *Curule Magistracy* since the last call; after them, the *Tribuns*, *Ædiles*, and *Quæstors*; and lastly those, who had not born any of these offices, but had served with honour in the wars, and could shew spoils taken from the enemy, or a *Civic crown*: and having thus added an hundred and seventy seven new members to the old list, with the universal approbation of the assembly, he laid down his office [1].”

M. Vertot argues, that this nomination of Senators was the pure act and deed of the Dictator, or otherwise there could be no reason to praise him for it: which he confirms, by shewing also, on the other hand, that the blame of a bad choice was imputed likewise to the magistrate; as in the case of *Appius Claudius*, when he at-

[1] Liv. xxiii. 33.

tempted to introduce the grandsons of slaves into the Senate [1]. But this reasoning is not well grounded; for though praise or blame would naturally fall upon the magistrate, in proportion, as what he recommended and attempted to enact happened to deserve the one or the other, yet these two cases shew, that the approbation or dislike of the people did not terminate in the mere praise or dispraise of the magistrate; but affected the very essence and validity of his act: for in the first case, where the people approved, the act stood firm, and had it's effect; but in the other, where they disapproved, it was presently annulled and rescinded.

There was another extraordinary creation of Senators made by *Sylla*, the Dictator, in order to fill up the Senate, exhausted by his proscriptions and civil wars, with *three hundred new members from the Equestrian rank*: the choice of whom he gave intirely to the people, in an assembly of their tribes, which of all elections was the most free. His design, without doubt, was, to make them some amends for his other violences, by paying this respect to their ancient rights and liberties [2].

There is a third augmentation also, prior to that of *Sylla*, mentioned by the epitomizer of *Livy*, and ascribed to *C. Gracchus* [3], by which

[1] See Reponse au Memoire de Lord Stanhope.

[2] Appian. de Bell. Civ. l. i. p. 413.

[3] Lib. lx.

six hundred of the Equestrian rank are said to have been added to the Senate at once. But this cannot be true, as being contrary to the testimony of all the old writers, who speak of nothing more, than that the right of judicature, which had belonged to the Senate from the time of the Kings, was transferred by *Gracchus* to the *Knights, in common with the Senators*; so that *three hundred* were to be taken from each order, out of whom the judges in all causes should be chosen promiscuously by lot [1]. This was the act of *C. Gracchus*, which continued in force to the time of *Sylla*; and it was this, probably, which led that writer into his mistake: but if any augmentation of the Senate had been made at the same time, it is certain, that it must have been made by the power of the people; which no man ever asserted so strenuously, or carried so high, as this very *Gracchus*.

These extraordinary creations of Senators, made with the consent and approbation of the people, in their general assemblies, may be presumed to have passed according to the forms of the constitution, and consequently, point out to us the regular method of proceeding in ordinary cases. But the augmentation made by *Sylla*, as it enlarged the number of the Senators

[1] Μόνοι ὅς ἔκρινεν τὰς δίχας, προσκαλέσας αὐτοῖς, ἕσι τρια-
[οὶ συγκλητικῶν] καὶ διὰ τὸ τοσοῖς, καὶ τὰς κρίσεις κοινὰς τῶν
Φοβεροὶ τῷ δήμῳ καὶ τοῖς ἱππεῦσιν ἰξακοσίῳ ἰσώησι. Plutar. in
ἡσάν· ὁ δὲ τριακοσίοις τῶν ἱππέων Vit. C. Gracch.

beyond what it had ever been, so it gave an admission to many, who were unworthy of that honour [1]: and the general corruption of manners, introduced by the confusion and licence of those turbulent times, made it necessary to revive the office and ancient discipline of the Censors [2], which had lain dormant for seven years past: in which the new Censors, *L. Gellius*, and *Cn. Cornelius Lentulus*, exercised their power with more severity, than had ever been known before: for they left *sixty four* out of the roll of the Senate; of whom *C. Antonius* was one, who, within seven years after, was chosen Consul, together with *Cicero*; and *P. Lentulus* another, who, as I have said above, was chosen Prætor again, after that disgrace, and in that office, put to death for conspiring with *Catiline*. *Cicero* speaks of several more, who were degraded by the same Censors, for a charge of bribery and extortion in their judicial capacity; yet were all, not onely restored to the Senate, but acquitted also afterwards of those very crimes in a legal trial [3].

[1] *Judicum culpa atque dedecore etiam Censorium nomen, quod asperius antea populo videri solebat, id nunc poscitur, id jam populare atque plausible factum est. Cic. in Cæcil. Divinat. iii.*

[2] Βελόν τε γὰρ ἐκ τῶν ἐπιτυχόντων ἀνθρώπων συνέστη, Σύλλα. *Dionys. l. v. 57.*

[3] Quos autem ipse *L. Gellius* & *Cn. Lentulus*, duo Censores—furti & captarum pecuniarum nomine notaverunt: ii non modo in Senatum redierunt, sed etiam illarum ipsarum rerum judiciis absoluti sunt. *Cic. p. Cluent. 42.*

The severity of this Censorship furnished a pretext not long after to *P. Clodius*, for procuring a law, to prohibit the Censors, from striking any one out of the roll of the Senate, or disgracing him in any manner, upon the report of common fame, or the notoriety of any crime, till he had been formally accused and found guilty by the common judgement of both the Censors [1]. *Cicero* frequently inveighs against this law, and reflects severely on *Clodius*, for abridging or abolishing a salutary power, that had subsisted four hundred years, and was necessary to support the credit and dignity of the Senate [2]. But in this, perhaps, he was influenced rather by his resentment against his inveterate enemy, the author of it, than by any iniquity in the law itself, which seems to have been a reasonable one in a free state.

Now from all these facts and testimonies we may collect, what was the proper part of the Censors in the affair of creating Senators. For in the ordinary way of making them, they had nothing more to do, than to enroll the names of those, who had borne the public offices, since the last call or review of the Senate: and to degrade them, was to leave them onely out of the roll,

[1] Τοῖς δὲ Τιμηταῖς ἀπαγορεύουσι, μὴτ' ἀπαλείφειν ἐκ τινὸς τίτλου, μὴτ' ἀτιμάζειν μηδὲνα, χωρὶς ἢ εἴ τις παρ' ἀμφολέροισι σφίσι κριθεὶς αἰλόη. Dio. l. xxxvii. p. 66. E.

[2] Ab eodem homine, in stupris inauditis, nefariisque versato, vetus illa magistra pudoris & modestiæ, severitas censoria sublata est. In *Pison. iv. Pro Sext. 25.*

when, by the notoriety of their crimes, they had shewn themselves unworthy of that high rank, to which the Roman people had advanced them. But that they had no right of creating them, is plain from the case of the *Flamen Dialis*; who upon the opposition made to his claim, did not seek redress from the Censors, but the Tribuns; that is, from the people, as the sovereign judges of the affair. Lastly, the description given by *Cicero*, of the Censorian jurisdiction in all its branches, is exactly conformable to my hypothesis: for he assigns them no part in the creation of Senators, nor any other power over that body, than what flowed from their right of inspecting the manners of all the citizens. *Let them govern, says he, the morals of the city, and leave no stain or scandal in the Senate* [1].

But I must not forget to acknowledge, that, though the public magistrates had a right, by virtue of their office, to a place in the Senate, yet they could not, in a strict sense, be esteemed complete Senators, till they had been enrolled by the Censors at the next lustrum. This is the sole reason, for which the writers commonly ascribe an absolute power to the Censors in the case of making Senators; not considering, that the enrollment was but a matter of form, which was never denied, or could be denied to any, but for some notorious immorality: and that

[1] *Mores populi regunt, relinquunt. Cic. de Leg. to: probum in Senatu ne* iii. 3.

a right of creating and degrading Senators by a plenitude of power, is a quite different thing, from that of enrolling onely those, whom others had created, or rejecting them for a charge of crimes, which had rendered them unworthy of that honor, to which they had been raised by a different authority. For the part of enrolling or striking out the names of Senators, was all that the Censors had to do in this affair, in which they were still subject to the final judgement of the people, and liable to be obstructed in the discharge of it, by any of the Tribuns [1].

Besides this task of enrolling the Senators, and inspecting their manners, it was a part likewise of the Censorian jurisdiction, *to let out to farm all the lands, revenues, and customs of the Republic; and to contract with artificers, for the charge of building and repairing all the public works and ædifices, both in Rome and the colonies of Italy* [2]. Now in this branch of their office, it is certain, that they acted merely under the authority of the people, and were prohibited by law, *to let out any of the revenues, except in the Rostra, under the immediate inspection, and in the very presence of the people* [3]. In consequence

[1] Dio, l. xxxvii. p. 33. D. Cn. Tremellius Tribunus, quia lectus non erat in Senatum, intercessit. Liv. xlv. 15.

[2] Cenfores interim Romæ—farta testâ acriter & cum summa fide exegerunt, viam e foro Boario ad Ve-

neris, & circa foros publicos & ædem Matris Magnæ in Palatio faciendam locaverunt. Vectigal etiâ novum ex Salaria annona statuerunt, &c. Liv. xxix. 37. Polyb. l. vi. 464. C.

[3] Cenforibus vectigalia
P 4 of

of which, when *Fulvius Flaccus*, one of the Censors, was ordering some great and expensive works, more arbitrary than the law would regularly warrant, his Collegue *Postumius* refused to join with him, and declared, that he would not engage himself in any contracts, to the waste of the public treasure, *without an express order of the Senate and the people, whose treasure it was* [1]. If the Censors then, in these inferior articles of their administration, were obliged to act under the immediate controll and inspection of the people, and as ministers only of the people's will, we may reasonably infer, that they could not act in any other capacity, in the more important affair, of making and unmaking Senators.

Again, in the general census and review of the city, held by them every five years, though every single citizen was particularly summoned and enrolled by name, in his proper tribe, as a freeman of *Rome*, yet that solemn enrollment, as *Cicero* tells us, *did not confirm any man's right to a citizenship, but signified onely, that he had passed for a citizen at that time* [2]. Because

locare, nisi in conspectu populi Romani non licet. Cic. de Leg. Agrar. i. 3. Vestigalia nusquam locare licet, nisi ex hoc loco, [ex Rostris] hac vestrum frequentia. Ib. ii. 21.

[1] Alter ex iis *Fulvius Flaccus*, (nam *Postumius* nihil nisi Senatus Romani po-

pulive jussu se locaturum ipso pecunia dicebat) Jovis ædem Pisauri & Fundis, &c. Liv. xli. 27.

[2] Sed quoniam Censuræ non jus civitatis confirmat, ac tantummodo indicat, eum qui sit census, ita se jam tum gessisse pro cive. Cic. pro Arch. 5.

the

the proper power of determining that right resided always in the people [1]: whence we may conclude likewise by a parity of reason, that the Censorian roll of the Senate did not either confer or take away any one's right to that high order, unless it were confirmed, either by the presumed consent, or express command of the Roman people.

But though the magistrates of the city had a right to a place and vote in the Senate, as well during their office, as after it, and before they were put upon the roll by the Censors, yet they had not probably a right, to speak or debate there on any question, at least in the earlier times of the Republic. For this seems to have been the original distinction between them and the ancient Senators, as it is plainly intimated in the *formule* of the Consular edict, sent abroad to summon the Senate, which was addressed *to all Senators, and to those, who had a right to vote in the Senate* [2]. From which distinction, these last, who had onely a right to vote, were called, by way of ridicule, *Pedarians*; because they signified their votes by their feet, not their tongues; and upon every division of the house, went over to the side of those, whose opinion they ap-

[1] Mutines etiam Civis Rom. factus, rogatione ab Tribunis pl. ex auctoritate Patrum, ad plebem lata. Liv. x. 52. uti Senatores, quibusque in Senatu dicere sententiam liceret, ad portam Capenam convenirent. Liv. xxiii. 32. it. xxxvi. 3. Festus in voc. Senatores.—A. Gell. 1. iii. 18.

[2] Consules edixerunt, quoties in Senatum vocassent,

proved.

proved [1]. It was in allusion to this old custom, which seems however to have been wholly dropt in the later ages of the Republic, that the mute part of the Senate continued still to be called by the name of *Pedarians*, as we learn from *Cicero*, who, in giving an account to *Atticus*, of a certain debate and decree of the Senate upon it, says, that *it was made with the eager and general concurrence of the Pedarians, though against the authority of all the Consulars* [2].

From the distinction, signified above, in the *formule* of summoning the Senate, it may not perhaps be improbable, that on certain urgent occasions, in which an extraordinary dispatch or secrecy was required in their counsels, the latter part of the edict might be omitted, and none but the old and proper Senators called to the meeting: and if this was the case, as some writers have imagined [3], it will clear up the difficulty of a story in *Valerius Maximus*, which has greatly perplexed all those, who have treated this question, and is thus related; “*Q. Fabius Maximus*, on his return from the Senate, “happening to meet with *P. Crassus*, told him,

[1] Non pauci sunt qui arbitrantur *Pedarios* Senatores appellatos, qui sententiam in Senatu non verbis dicerent, sed in alienam sententiam pedibus irent, &c. Vid. A. Gell. l. iii. 18.

sententiam probat, quid sentiat, indicat. Fest. in *Pedarius*.

[2] Est enim illud S. C. summa *Pedariorum* voluntate, nullius nostrum auctoritate factum. Ad Att. i. 19.

[3] Vid. Pighii *Annales*, tom. i. p. 72.

Ita appellatur, quia tacitus transeundo ad eum, cujus

“by

“ by way of news, what had been resolved secretly about the *Punic war*, remembring, that “ *Crassus* had been *Quæstor* three years before, “ and not knowing, that he had not yet been “ put upon the roll of the Censors, and so had “ no right to be in the Senate: for which *Fabius* “ was severely reprimanded by the Consuls [1].” For *Valerius* must not be understood to assert, that the *Quæstors* had no right to an admission into the Senate, till they were enrolled by the Censors: since it appears from unquestionable facts and testimonies, drawn from the practice, at least, of the later ages of the Republic, that they had not onely an entrance and vote in it, but a free liberty of speaking also, or debating on all quæstions: so that I see no way of accounting for the offence committed by *Fabius*, in giving part of the deliberation to *P. Crassus*, but that it was one of that *secret kind* [2], to

[1] Val. Max. ii. 2.

[2] *J. Capitolinus* mentions a decree of the Senate of this *secret kind*, which he calls *S. C. tacitum*, and says, that the use of them among the ancients was derived from the necessities of the public, when, upon some imminent danger from enemies, the Senate was either driven to some low and mean expedients, or to such measures, as were proper to be executed before they were published, or such

as they had a mind to keep secret even from friends; on which occasions they commonly recurred to a *tacit decree*, from which they excluded their clerks and servants, performing that part themselves, lest any thing should get abroad. *Capitolin. de Gordianis*, c. 12. In the early times of the Republic there are several instances mentioned by historians, of such private meetings of the Senate, summoned by the which

which the old Senators onely used to be summoned in the early ages.

But that the *Quæstors* had a direct admission into the Senate, and were styled and treated as Senators, and had a liberty also of speaking in their turn, as well as the rest, is evident, as I have said, from many clear facts and testimonies. For instance, *C. Marius*, as the same *Valerius* says, not being able to procure any magistracy in *Arpinum*, his native city, ventured to sue for the *Quæstorship* at *Rome*, which he obtained at last after many repulses, and so forced his way into the Senate, rather than came into it [1]. *Cicero*, after he had been *Quæstor*, being elected *Ædile*, as soon as he was capable, declares in one of his speeches, how by that advancement, he had gained an *higher rank and earlier turn of delivering his opinion in the Senate* [2]: which implies, that he had a right of speaking there before, when *Quæstor*, though later onely in point of time, and after the other magistrates. In another speech, he styles *P. Clodius*, a Senator, while he was onely of *Quæstorian* rank [3]: and in a congratulatory letter to *Curio* at *Rome*, upon

Consuls to their own houses, to which none but the old or proper Senators were admitted, and of which the Tribuns usually complained. Vid. *Dionys.* l. x. 40. l. xi. 55, 57.

[1] Patientia deinde repulsum, irrupit magis in Cu-

riam quam venit. Id. l. vi. 9, 14.

[2] Antiquiorem in Senatu sententiæ dicendæ locum. In *Verr.* v. 14.

[3] Adoptat annos viginti natus Senatorem. *Pr. Dom.* 13, 14.

his

his Election to the Tribunate, taking occasion to renew a request, which he had made to him in former letters, when he had onely been *Quæstor*, he says, *that he had asked it of him before, as of a Senator of the noblest birth, and a youth of the greatest interest, but now of a Tribune of the people, who had the power to grant what he asked* [1]. Lastly, *M. Cato*, as *Plutarch* writes, when he was *Quæstor* of the city, never failed to attend the Senate, for fear, that any thing should pass in his absence to the detriment of the public treasure, of which he was then the guardian [2]: which seems to imply, that he was not onely a Senator in virtue of his office, but had the liberty of acting or speaking there, if he had found occasion.

Before I put an end to my argument, I must add a word or two, on what your Lordship has incidentally touched, *the number of the Senate, and the qualifications of a certain age and estate, required in its members by law.*

As to its number, it is commonly supposed to have been limited to *three hundred*, from the time of the Kings to that of the *Gracchi*. But this must not be taken too strictly: it generally had that number, or thereabouts, and upon any

[1] Itemque petivi sæpius per litteras, sed tum quasi a Senatore Nobilissimo—nunc a Tribuno plebis. Ep. Fam. ii. 7.

[2] Plutar. in Vit. Caton. Cicero likewise in reckon-

ing up the number of Senators, who were in *Pompey's* camp, distinguishes them by their several ranks, of *Consular*, *Prætorian*, *Ædilitian*, *Tribunitian*, and *Quæstorian* Senators. Philip. xiii. 14.

remarkable

remarkable deficiency, was filled up again to that complement by an extraordinary creation. But as the number of the public magistrates increased with the increase of their conquests and dominions, so the number of the Senate, which was supplied of course by those magistrates, must be liable also to some variation. *Sylla*, as we have seen above, when it was particularly exhausted, added *three hundred* to it at once from the Equestrian order: which might probably raise the whole number to about *five hundred*: and in this state it seems to have continued, till the subversion of their liberty by *J. Caesar*. For *Cicero*, in an account of a particular debate, in one of his letters to *Atticus*, mentions *four hundred and fifteen* to have been present at it, which he calls *a full house* [1].

That there was a certain age also required for a Senator, is often intimated by the old writers, though none of them have expressly signified what it was. The legal age for entering into the military service, was settled by *Servius Tullius* at seventeen years [2]: and they were obliged, as *Polybius* tells us, to serve ten years in the wars, before they could pretend to any civil magistracy [3]. This fixes the proper age of suing for the *Quæstorship*, or the first step of

[1] Cum decerneretur frequenti Senatu—ut Consules populum cohortarentur ad rogationem accipiendam, homines ad xv Curioni nullum S. C. facienti assenserunt; ex

altera parte facile cccc. fuerunt. Ad Att. l. i. 14.

[2] A. Gellius x. 28.

[3] Polyb. de institut. rei milit. l. vi. p. 466.

honor, to the twenty-eighth year: and as this office gave an admission into the Senate, so the generality of the learned seem to have given the same date to the Senatorian age. Some writers indeed, on the authority of *Dion Cassius*, have imagined it to be *twenty-five years*: not reflecting, that *Dio* mentions it there as a regulation onely, proposed to *Augustus*, by his favorite *Mecenas* [1].

But for my part, as far as I am able to judge, from the practice of the Republic in its later times, I take the *Quæstorian age*, which was the same with the *Senatorian*, to have been *thirty years* complete. For *Cicero*, who declares in some of his speeches, that he had acquired all the honors of the city, without a repulse in any, and each in his proper year, or as soon as he could pretend to it by law, yet did not obtain the *Quæstorship*, till he had passed through his thirtieth year [2]: and when *Pompey* was created Consul, in an extraordinary manner, and by a special dispensation, in his *thirty-sixth* year, without having borne any of the subordinate dignities, *Cicero* observes upon it, that he was chosen into the highest magistracy, before he was qualified by the laws to hold even the lowest [3]: by which he means the *Ædileship*;

[1] Vid. Dio. l. iii. p. 477. administred the year following in *Sicily*. See Life of

[2] *Cicero* was born A. U. 647. obtained the *Quæstorship* A. U. 677. which he

Cicero, vol. i. p. 57. Quarto. Pighii Annales.

[3] Quid tam singulare, which

which was the first office, that was properly called a magistracy, and what could not regularly be obtained, till after an interval of *five years* from the *Quæstorship*.

But my notion seems to be particularly confirmed by the tenor of certain laws, given at different times by the Roman governors, to foreign nations, relating to the regulation of their particular Senates: for the *Halefini*, a people of *Sicily*, as the story is told by *Cicero*, “having great quarrels among themselves, about the choice of their Senators, petitioned the Senate of *Rome*, to give them some laws concerning it. Upon which the Senate decreed, that their Prætor *C. Claudius* should provide laws for them accordingly; in which laws many things, he says, were enacted, concerning their age; that none, under thirty years, none, who exercised any trade, none, who had not an estate to a certain value, should be capable of the Senate.” *Scipio* likewise, as he tells us, gave laws of the same kind, and with the same clauses in them, to the people of *Agrigentum* [1]: and lastly, *Pliny* mentions a law of *Pompey the Great*, given on a like occasion to the *Bitbynians*,

quam ut legibus solutus ex S. consulto Consul ante fieret, quam ullum alium magistratum per leges capere licuisset. Cic. pr. Lege Manil. xxi.

[1] *C. Claudius* — leges *Halefinis* dedit: in quibus

multa sanxit de ætate hominum, ne qui minor triginta annis natus, &c.

Agrigentini de Senatu cooptando, *Scipionis* leges antiquas habent, in quibus & eadem illa sancta sunt, &c.

In Verr. ii. 49.

import-

importing, "that none should hold any magistracy, or be admitted into their Senate under the age of thirty; and that all, who had borne a magistracy, should be of course in the Senate [1]." All which clauses clearly indicate, from what source they were derived, and shew, what every one would readily imagine, that a Roman magistrate would naturally give them Roman laws.

Cicero says, that the laws concerning the age of magistrates were not very ancient; and were made, to check the forward ambition of the nobles, and to put all the citizens upon a level in the pursuit of honors [2]: and Livy tells us, that L. Villius, a Tribune of the people, was the first, who introduced them, A. U. 573, and acquired by it the surname of *Annalis* [3]: but long before this, we find an intimation of some laws, or customs of that kind subsisting in Rome: and in the very infancy of the Republic, when the Tribuns were first created, the Consuls declared in the Senate, that they would shortly correct the petulance of the young nobles, by a

[1] Cautum est, Domine, Pompeii lege, quæ Bithynis data est, nequis capiat magistratum, neve sit in Senatu, qui minor annis xxx sit; & ut qui ceperint magistratum, sint in Senatu. Ad Trajan. Ep. l. x. 83.

[2] Itaque majores nostri, veteres illi admodum antiqui,

leges annales non habebant, &c. Phil. v. 17.

[3] Eo anno rogatio primum lata est ab L. Villio, Tribuno plebis, quot annos nati quemque magistratum peterent, caperentque; inde cognomen familiæ inditum, ut Annales appellarentur. Lib. xl. 44.

law, which they had prepared, to settle the age of the Senators [1].

There was another qualification also required, as necessary to a Senator; an estate, proper to support his rank; the proportion of which was settled by the law: but I do not any where find, when this was first instituted, nor even what it was, in any author before *Suetonius*; from whom we may collect, that it was settled at eight hundred sesteritia, before the reign of *Augustus* [2]: which are computed to amount to between six and seven thousand pounds of our money; and must not be taken, as it is by some, for an annual income, but the whole estate of a Senator, real and personal, as estimated by the survey and valuation of the Censors.

This proportion of wealth may seem perhaps too low, and unequal to the high rank and dignity of a Roman Senator; but it must be considered onely as the lowest, to which they could be reduced: for whenever they sunk below it, they forfeited their seats in the Senate. But as low as it now appears, it was certainly sufficient, at the time when it was first settled, to maintain a Senator suitably to his character, without the necessity of recurring to any trade

[1] Ἄλλα δὲ οἱ τὸν νόμον
ἐκείνον ἀντὶ τῆς ἀπορίας νόμου,
καὶ τῆς ἀπορίας ἐν τῇ δὴ τότε
τῇ βουλῇ ἐγένετο. Dionys.
l. vi. c. 66.

Senatorium gradum census
adscendere fecit.

[2] Senatorum censum
ampliavit; [Augustus] ac pro
octingentorum millium sum-
ma, duodecies HS taxavit,
supplevitque non habentibus.
Sueton. in Aug. c. 41.

or sordid arts of gain, which were likewise prohibited to him by the laws [1]. But the constitution itself does not seem to have been very ancient; for we may easily imagine, that in those earlier days, when the chief magistrate was sometimes taken from the plough [2], and *Corn. Rufinus*, who had been *Dictator* and twice *Consul*, was expelled the Senate by *G. Fabricius* the Censor, A. U. 477, because he had *ten pounds of silver plate in his house* [3], no particular

[1] *Invisus Patribus ob novam legem, quam Q. Claudius Trib. pl. adversus Senatam, uno Patrum adjuvante, C. Flaminio, tulerat, ne quis Senator, quive Senatoris pater fuisset, maritimam navem, quæ plus quam trecentarum amphorarum esset, haberet, id satis habitum ad fructus ex agris vectandos. quæstus omnis Patribus indecorus visus. Liv. xxi. 63. Noli metuere, Hortensi, ne quæram, qui licuerit navem ædificare Senatori. Cic. Verr. v. 18.*

N. B. It is certain, that the Senators generally possessed a much larger proportion of wealth, than what is computed above: for in the fifth year of the second Punic war, A. U. 539. it was decreed by the Senate, that every citizen, who, at the

preceding Census, or general taxation of the city, was found to be worth from 400 l. to 800 l. of our money, should furnish one sailor with six months pay towards manning the fleet; that those, who were rated from 800 l. to 2400 l. should furnish three sailors, with a year's pay; that those, who were rated from 2400, to 8000 l. should furnish five sailors; that all, who were rated above that sum, should furnish seven; and that all Senators should furnish eight, with a year's pay. Liv. xxiv. 11.

[2] *Si illis temporibus natus esses, cum ab aratro arcescebantur, qui Consules fierent. Cic. pro Rosc. Amer. 18.*

[3] *Ab eo Cornelium Rufinum duobus Consulatus & Dictatura speciosissime functum, quod decem pondo ar-*

preference could be given to wealth in the choice of a Senator: and we find *Pliny* accordingly lamenting the unhappy change, *when their Senators, their Judges, and their Magistrates came to be chosen by the value of their estate, since from that moment, all regard began to be lost for every thing, that was truly estimable and laudable in life* [1]. This qualification of a Senatorian estate is referred to by *Cicero* in one of his letters, written in the time of *J. Caesar's* administration, where he begs of one of his friends then in power, "not to suffer certain lands of *Curtius* to be taken from him for the use of the soldiers, because, without that estate, *he could not hold the rank of a Senator*, to which *Cæsar* himself had advanced him [2]."

It appears, from what has been dropt in the course of this argument, that there was some law also subsisting from the earliest times, concerning the extraction and descent of Senators; injoining, that it should always be ingenuous; and as their morals were to be clear from all vice, so their birth likewise, from any stain of base blood: in consequence of which, when *Appius Claudius*, in his Censorship, attempted to

gentea vasa comparasset, in ordine Senatorio retentum non esse.—*Val. Max.* l. ii. 9. *A. Gell.* xvii. 21.

[1] Postquam Senator censu legi coeptus—pessum iere vitæ pretia.—*Plin. Progm.* in lib. xiv. *Hist. N.*

[2] Hoc autem tempore cum *Cæsar* in Senatum legit: quem ordinem ille, ista possessione amissa, vix tueri potest. Gravissimum autem est, cum superior factus sit ordine, inferiorem esse fortuna. *Ep. Fam.* xiii. 5.

introduce

introduce *the grandsons of freed slaves* into the Senate, they were all, as we have seen above, immediately turned out again. For the Romans were so particularly careful, to preserve even their common citizens from any mixture of servile blood, that they prohibited all marriages between them and freed slaves, or their children: and it was decreed, as a special privilege and reward to one *Hispala*, of *libertine condition*, for her discovery of the impieties of the *Bacchanalian mysteries*, that a citizen might take her to wife, without any disgrace and diminution of his rights [1]. These distinctions indeed began to be disregarded towards the end of the Republic, with respect to the ordinary citizens, but were kept up to the last, with regard to the Senate. For *Cn. Lentulus*, in his Censorship abovementioned, turned *Pompilius* out of the Senate, because *his grandfather was a slave* made free: yet he allowed him his rank at the public shews, with all the outward ornaments of a Senator [2]: and the *Papian law*, made in the end of *Augustus's reign*, permits all the citizens, excepting *Senators and their children*, to take *wives of libertine condition* [3].

[1] Utique ei ingenuo nubere liceret; neu quid ei qui eam duxisset, ob id fraudi ignominiaesset. Liv. xxxix. 19.

[2] Nam Popillium, quod erat Libertini filius, in Sena-

tum non legit: locum quidem Senatorium ludis, & cetera ornamenta reliquit, & eum omni ignominia liberat. Cic. pro Cluen. 47.

[3] Vid. Pighii Annal. A. U. 761.

These were some of the laws, by which the Censors were obliged to act, in the enrollment of the new, or the omission of old Senators: and when we read of any left out, without an intimation of their crime, it might probably be, for the want of one or other of these legal or customary qualifications.

The Censors continued in their office for eighteen months, and if we suppose them to have been created onely every five years, the office must lie dormant for three years and an half. This is agreeable to what the generality of writers have delivered to us of the Census; that it was celebrated every *fifth year*: and as it was accompanied always by a *lustration* of the people, so the word, *Lustrum*, has constantly been taken, both by the ancients and moderns, for a term of *five years*. Yet if we enquire into the real state of the case, we shall find no good ground for fixing so precise a signification to it; but, on the contrary, that *the Census and Lustrum* were, for the most part, held irregularly and uncertainly, at very different and various intervals of time, as the particular exigencies of the state required. This is evident, not onely from the testimonies of the old writers, but from authentic records and monuments of the fact, *the Old Fasti*, inscribed on marble, and still preserved in the *Capitol of Rome*; exhibiting a succession of the Roman magistrates, with a summary of their acts, from the earliest ages of the Republic.

For

For example, *Servius Tullius*, who first instituted the Census and Lustrum, and afterwards held four of them, began to reign A. U. 175, and reigned forty four years. *Tarquinius Superbus*, who succeeded him, held no Census at all.

The Consuls *P. Valerius* and *T. Lucretius* revived the institution of *Servius*, and held the fifth Census A. U. 245, and the Capitoline marbles, which are defective through the seven first Lustrums, mark the eighth to have happened A. U. 279, so that the three first, which were held by the Consuls, carry us through an interval of thirty four years.

The Censors were created A. U. 311, in which year they celebrated the eleventh Lustrum; which gives also near the same interval to the three last, which had been held by the Consuls.

The twentieth Lustrum, according to the Capitoline marbles, falls A. U. 390 : whence we see, that under the Censors, who were created for the very purpose, of administering the Census and Lustrations of the people, yet the nine first of their Lustrums, one with another, take up each of them very near nine years.

The last Lustrum, during the liberty of the Republic, was held by the Censors *Appius Claudius* and *L. Piso*, A. U. 703, and was the seventy first: so that if we compute from the eleventh, or the first held by the Censors, to the last by *Appius Claudius*, the intervening sixty will each of them contain about six years and an half.

This is the real state of the case, as it is deduced from the most authentic records : from which we see, that though time and custom have fixed the notion of a Quinquennium or term of five years, to the word Lustrum, yet there is no sufficient ground for it in fact or the nature of the thing.

I have now drawn out every thing, which I took to have any relation to my subject, or to be of any use towards illustrating the genuine state of the Roman Senate, from its first institution, to the oppression of its liberty : and am persuaded, if I do not flatter myself too much, that, through every period of its history, under the *Kings, the Consuls, and the Censors*, I have traced out from the best authorities, one uniform scheme of the people's power and absolute right over this affair, from one end to the other. But as I began my argument with the same notion, with which I now end it, so it is possible, that, like all others, who set out with an hypothesis, I might perhaps have a kind of bias upon me, without being sensible of it myself ; so as to have given a greater force to some facts, than they will easily bear, in order to draw them to my particular sense. If this be the case, as I am sure that it will not escape your Lordship's observation, so I shall have a pleasure to be corrected by your less biased judgment ; since in this, as well as in all my other enquiries, truth is the onely fruit that I seek, or desire to reap from my labor.

A T R E A-

A

T R E A T I S E

O N T H E

R O M A N S E N A T E .

P A R T t h e S E C O N D .

WHAT I have hitherto been disputing on the subject of the Roman Senate, was designed onely, to explaine the method of creating Senators, or filling up the vacancies of that body. But as that reaches no farther than to it's exterior form, so the reader may probably wish, that, before I dismiss the argument, I would introduce him likewise into the inside of it, and give him a view of their manner of proceeding within doors ; which might inable him to form a more adæquate idea of an assembly of men, which was unquestionably the noblest and most august, that the world has ever seen, or ever will see : till another empire arise, as widely extended, and as wisely constituted, as that of *Old Rome*. For this purpose, I have drawn out into this second part, and distributed under proper heads, whatever I had collected on that subject from my own observation ; which
I have

I have taken care to support and inlarge every where, as there was occasion, from the more copious collections of *P. Manutius* and *C. Sigonius*, who, of all the moderns, seem to have had the most exact, as well as the most extensive knowledge of the affairs of ancient *Rome*. I have not, however, been a mere compiler, or translator of the works of those learned men; but, while I make a free use of them, have taken a liberty, to which every one has a right, who draws from the same original authorities, of differing from them in several points, about the force and application of those authorities. But before I enter into a description of the forms and methods of proceeding in the Roman Senate, I think it necessary in the first place, to give a summary account of their power and jurisdiction, in order to shew what a share they really had in the administration of the government, and on what important affairs their deliberations were employed.

S E C T. I.

Of the power and jurisdiction of the Roman Senate.

IHAVE already shewn, how by the original constitution of the government, even under the Kings, the collective body of the people was the real sovereign of *Rome*, and the dernier resort in all cases. But their power, though supreme and final, was yet qualified by this check, that they could not regularly enact any thing,
which

which had not been previously considered, and approved by the Senate [1]. This was the foundation of the Senatorian power, as we find it set forth, in one of their first decrees, concerning the choice of a King, where it is declared, *that an election made by the people should be valid; provided, that it was made with the authority of the Senate* [2]: and not onely in this case, but in all others, the same rule was observed for many ages; and when one of the Tribuns, in contempt of it, ventured to propound a law to the people, on which the Senate had not first been consulted, all his Collegues interposed, and declared, that *they would not suffer any thing to be offered to the suffrage of the citizens, till the Fathers had passed a judgment upon it* [3]. And this indeed continued to be the general way of proceeding in all quiet and regular times, from

[1] Δύνασθαι δὲ αὐτὸν καὶ αὐτοὶ τὸ μαρτυρεῖν, ὅτι ἐξ ἡ τῆς πόλεως ἐκίσαν ὑμῶν οἱ πρόγονοι τὸ τοῦ γέρας ἔχουσα ἢ βουλὴ διατίθειται, καὶ ἔστιν πτωχοῖς ὁ δῆμος ὅ,τι μὴ προβαλεῖται ἢ βουλὴ ὥς τι περικρατεῖ, ἢ τι ἐπιφέρει, ἢ ὅτι νῦν, ἀλλ' ἐπὶ τῶν βασιλέων. Dionys. Hal. l. vii. 38. Ed Oxon.

[2] Patres decreverunt, ut cum populus regem jussisset, id sic ratum esset, si Patres auctores fierent, &c. Liv. i. 17. Numam Pompiliū.---po-

puli jussu, Patribus auctori- bus Romæ regnasse. Id. iv. 3.

Inde Tullum Hostiliū.--- regem populus jussit, Patres auctores facti. Id. i. 22. Tum enim non gerebat is magistratum, qui ceperat, si Patres auctores non erant facti. Cic. pr. Plancio, 3.

[3] Perintercessionem Collegarum, qui nullum Plebiscitum, nisi ex auctoritate Senatus, se perferri passuros, ostenderunt, discussum est. Id. iv. 49.

the

the beginning of the Republic to the end of it : and the constant style of the old writers, in their accounts of the public transactions, is, that the Senate *voted or decreed*, and the people *commanded* such and such an act [1].

Since nothing, therefore, which related to the government, could be brought before the people, till it had been examined by the Senate, so on many occasions, where haste perhaps or secrecy was required, and where the determinations of the Senate were so just and equitable, that the consent of the people might be presumed and taken for granted, the Senate would naturally omit the trouble of calling them from their private affairs, to an unnecessary attendance on the public ; till by repeated omissions of this kind, begun at first in trivial matters, and proceeding insensibly to more serious, they acquired a special jurisdiction and cognizance in many points of great importance, to the exclusion even of the people ; who yet, by the laws and constitution of the government, had the absolute dominion over all. For example ;

1. They assumed to themselves the guardianship and superintendence of the public religion ; so that no new God could be introduced, nor

[1] *Senatus eam pacem servandam censuit, & paucos post dies populus iussit.* Id. xxxvii. 55.

Ex auctoritate Patrum, iussu populi, bellum Faliscis indictum est. Id. x. 45.

Altar erected, nor the Sibylline books consulted, without their express order [1].

2. They held it as their prerogative, to settle the number and condition of the foreign provinces, that were annually assigned to the magistrates, and to declare which of them should be Consular and which Prætorian Provinces [2].

3. They had the distribution of the public treasure, and all the expences of the government; the appointment of stipends to their generals, with the number of their lieutenants and their troops, and of the provisions and cloathing of their armies [3].

4. They nominated all ambassadors sent from Rome, out of their own body, and received and

[1] Ex auctoritate Senatus, latum ad populum est, nequis templum aramve injussu Senatus aut Tribunorum pl. majoris partis dedicaret. Liv. ix. 46.

Vetus erat decretum, ne qui Deus ab Imperatore consecraretur, nisi a Senatu probatus: ut M. Æmilius de suo Alburno. Tertull. Apol. v.

Quamobrem Sibyllam quidem sepositam habeamus, ut injussu Senatus ne legantur quidem libri. Cic. de Div. liv.

Quoties Senatus Decemviros ad libros ire jussit? ib. 48.

[5] Tu provincias Confulares---quas C. Gracchus non modo non abstulit ab Senatu, sed etiam ut necesse esset quotannis constitui per Senatum, lege sanxit. Cic. pr. Dom. 9. Vid. in Vatin.

[3] Καὶ μὴν ἡ σύγκλητος πρῶτον μὲν ἔχει τὴν τῷ ταμίῳ αὐγίαν. καὶ γὰρ τῆς εἰσόδου πάσης αὐτὴ κελεύει, καὶ τῆς ἐξόδου παραπλησίως. Polyb. l. vi. 461.

Ἄνω δὲ τῷ τῷ συγκλήτου βελημαίῳ, ὅτι οἷτος, ὅτι ἰμάτισμος, ὅτι ὀψώνια δύνανται χορηγεῖσθαι τοῖς στρατοπέδοις, &c. id. 463. Senatus, in angustiis ærarii, Caesaris exercitum stipendio affecit. Cic. pr. Balb. xxvii.

dismissed

dismissed all, who came from foreign states, with such answers as they thought proper [1]

5. They had the right of decreeing all supplications or public thanksgivings, for victories obtained, and of conferring the honor of an ovation or triumph, with the title of Emperor on their victorious generals [2].

6. It was their province, to inquire into public crimes or treasons either in *Rome*, or the other parts of *Italy*: and to hear and determine all disputes among the allied and dependent cities [3].

7. They exercised a power, not onely of interpreting the laws, but of absolving men from the obligation of them, and even of abrogating them [4].

[1] Ne hoc quidem Senatus relinquebas, quod nemo unquam ademit, ut Legati ex ejus ordinis auctoritate legarentur. — quis Legatos unquam audivit sine Senatus consulto? in Vatin. 15. Vid. Polyb. 461.

[2] Senatus inquadriduum, quod nullo ante bello supplicationes decernit. Liv. v. 23. Etenim cui viginti his annis supplicatio decreta est, ut non Imperator appellaretur? Cic. Phil. xiv. 4. 5.

Τὸς γὰρ προσαγορευμένους παρ' αὐτοῖς θεϊάμβους — τῶντις ἐ δύναται χρῆσθαι ὡς κρίνει,

παρὲ δὲ τὸ παράπαν ἐδὲ συνελθόν, ἢ μὴ τὸ συνέδριον συγκαλεῖσθαι. Polyb. ibid.

[3] Ὁμοίως καὶ ὅσα τῶν ἀδικημάτων τῶν κατ' ἑταλίαν προσδίδται δημοσίαι ἐπισκέψαις — τῇ συγκλήτῃ μίλοι περὶ τούτοις. Polyb. 461.

Consulem — res in Etruria tenuerunt, quæstiones ex S. C. de conjurationibus principum habentem. Liv xxx. 26. Q. Fabium Labeonem arbitrum. Nolanis & Neapolitanis de finibus agri a Senatu datum Cic. Off. i. 10.

[4] Senatus quidem, cujus est gravissimum judicium de

8 In the case of civil dissensions or dangerous tumults within the city, they could arm the Consuls, by a vote, with absolute power to destroy and put to death, without the formality of a trial, all such citizens as were concerned in exciting them [1].

9. They had a power to prorogue or postpone the assemblies of the people; to decree the title of King, to any Prince whom they pleased; thanks and praise to those who had deserved them; pardon and reward, to enemies or the discoverers of any treason; to declare any one an enemy by a vote; and to prescribe a general change of habit to the city, in cases of any imminent danger or calamity [2].

jure legum. [Cic. pr. Dom. 27.] Quatuor omnino genera sunt, in quibus per Senatum, more majorum, statuatur aliquid de legibus. Unum est ejusmodi, placere legem abrogari—Alterum, quæ lex lata esse dicatur, ea non videri populum teneri. Pr. Cornel. i. vid. Cic. pr. leg. Manil. 21. de Pompeio legibus ex Senatus consulto soluto. De Scipionibus legibus solutis. Val. Max. viii. 15. it. Cic. Phil. v.

[1] Senatus decrevit, darent operam Consules nequid detrimenti Respub. caperet. ea potestas per Senatum,

more majorum, Magistratui maxima permittitur: exercitum parare, bellum gerere, coercere omnibus modis socios atque cives: domi militiæque imperium judiciumque summum habere: aliter sine populi jussu nulli earum rerum Consuli jus est. Sallust. de Bell. Catilin. 29. Cic. in Cat. i. 11.

[2] Comitia dilata ex Senatus consulto. [Cic. Ep. ad Att. iv. 16.] Meministis fieri S. C. me referente, ne postero die Comitia haberentur. Cic. pr. Mut. 25.

Is Rex [Deiotarus] quem Senatus hoc nomine sæpe ap-
These

These were the principal articles, in which the Senate had constantly exercised a peculiar jurisdiction, exclusive of the people; not grounded on any express law, but the custom only and practice of their ancestors, derived to them from the earliest ages. And as this was found by long experience, to be the most useful way of administering the public affairs, and the most conducive to the general peace and prosperity of the city, so it was suffered by the tacit consent of the people, to continue in the hands of the Senate, as a matter of convenience, rather than of right, and connived at, rather than granted, for the sake of the common good [1].

But whenever any bold Tribun, or factious magistrate, not content with the honors of the city in the usual forms, nor with such, as the Senate was disposed to confer upon him, chose to apply to the people for some extraordinary grant of them, the citizens were frequently induced, by the artifices of such leaders, to seize into their own hands several branches of that jurisdiction, which I have been describing, and which had always been administered before by the

pellavisset. [pr. Deiot. 3.]

De Masinissa Rege appellato. Vid. Liv. xxx 17. De præmiis indicibus decretis.

Vid. Sallust. Bell. Cat. 3. Cic. in Car. iv. 3, 3, 4. De Dolabella hoſte judicato. Phil. xi. 12.

De Lepido, Ep. Fam. xii.

10. Senatus frequens vestem pro mea salute mutandam censuit. Pr. Sext. 12.

[1] Cui populus ipse moderandi & regendi sui potestatem, quasi quasdam habenas, tradidisset. Cic. de Orat. i. 52.

Senate.

Senate. And after this method was once introduced and found to be effectual, it became by degrees the common recourse of all, who, for the advancement of their private ambition, affected the character of popularity; and was pushed so far at last, as to deprive the Senate in effect of all it's power and influence in the state.

For in the first place, the Tribuns soon snatched from them that original right, which they had enjoyed from the very foundation of the city, of being the authors or first movers of every thing, which was to be enacted by the people; and excluded them from any share or influence in the assemblies of their tribes [1]: and though in the other assemblies of the *Curia* and the *Centuries*, they seemed to have reserved to them their ancient right, yet it was reduced to a mere form, without any real force: for instead of being, what they had always been, the authors of each particular act, that was to be proposed to the people's deliberation, they were obliged by a special law, to authorise every assembly of the people, and whatever should be determined in it, even *before the people had proceeded to any vote* [2]: and *C. Gracchus* afterwards, in his fa-

[1] Vid. Dionys. Hal. 1. xli. 49.

Quod Patres apud majores nostros non tenere potuerunt, ut reprehensores essent comitiorum Cic. pr. Planc. 3.

VOL. IV.

R

[2] Q. Publilii Philonis Dictatura popularis, quod tres leges secundissimas plebi, adversas nobilitati tulit: unam, ut plebiscita omnes Quirites tenerent; alteram, ut

mous

mous Tribune, used to boast, *that he had demolished the Senate at once*, by transferring to the Equestrian order, *the right of judicature in all criminal Causes*, which the Senate had possessed from the time of the Kings [1].

But no man ever insulted their authority more openly, or reduced it so low, as *J. Cæsar*: who instead of expecting from the Senate, as the practice had always been, the assignment of a provincial government, at the expiration of his Consulship, applied himself directly to the people; and, by the help of the Tribun *Vatinius*, procured from them a law, by which the provinces of *Illyricum* and the *Cisalpine Gaul* were conferred upon him *for the term of five years*, with a large appointment of money and troops; which so shocked the Senate, and was thought so fatal to their authority, that, lest it should become a precedent by being repeated, they thought fit, of their own accord, to add to the two provinces already granted to him, the government also of the *Transalpine Gaul*, which he was understood still to desire, that they might prevent him from making a second application to the people [2]. It was in these days of fac-

legum, quæ Comitiiis Centuriatis ferrentur, ante initum suffragium Patres auctores fierent. Liv. viii. 12.

[1] *Οτι ἀθρόως τὴν βουλὴν καθήρκεται. Appian. de Bell. Civ. l. i.

[2] Et initio quidem Galliam Cisalpinam, Illyrico adjecto, lege Vatinia accepit: mox per Senatum, Comatam quoque; veritis Patribus, ne si ipsi negassent, populus &

tion and violence, promoted chiefly by *Cæsar*, in the first Triumvirate, that a profligate Consul, *Gabinus*, in a public speech to the people, had the insolence to declare, *that men were mistaken, if they imagined, that the Senate had then any share of power or influence in the Republic* [1]. But in all these insults on the authority of the Senate, though the honest of all ranks loudly inveighed against them, and detested the authors of them, as men of dangerous views, who aspired to powers, that threatened the liberty of the city; yet none ever pretended to say, that the acts themselves were illegal; or that the people had not a clear right, by the very constitution of the Republic, to command and enact whatever they judged expedient.

S E C T. II.

Of the right and manner of summoning or calling the Senate together.

THE right of convoking the Senate on all occasions, belonged of course to the Consuls, as the supreme magistrates of the city [2]:

hanc daret. Suet. J. Cæs. c. xxii. Plutar. p. 714.

[1] *Habet talem orationem Consul, qualem nunquam Catilina victor habuisset; errare homines, si etiam tum Senatum aliquid in Repub. posse arbitrantur. Cic. pr. Sext. 12.*

[2] What is here said, of the proper right of the Consuls to summon the Senate, must be understood likewise of all those other magistrates, who were created on extraordinary occasions with supreme power, in the place or absence of the Consuls:

R 2

which

which in their absence devolved regularly to the next magistrates in dignity, the Prætors, and the Tribuns [1]. But these last, as I have elsewhere observed, by virtue of their office, claimed and exercised a power of summoning the Senate at any time, whenever the affairs of the people required it, though the Consuls themselves were in the city [2]. Yet, out of deference to the Consular authority, the Senate was but rarely called, when they were abroad, unless in cases of sudden emergency, which required some present resolution [3].

In the early ages of the Republic, when the precincts of the city were small, the Senators were personally summoned by an Apparitor [4]: and sometimes by a public Crier, when their affairs required an immediate dispatch [5]. But

as, the *Dictator, Military Tribuns, Decemviri, Interrex, Prefect of the city.* Vid. A. Gell. xiv. 7.

[1] Placuit nobis, ut statim ad Cornutum, Prætor-rem urb. litteras deferremus: qui, quod Consules aberant, Consulare munus sustinebat, more majorum. Senatus est continuo convocatus.—Cic. Ep. Fam. x. 12.

[2] Οἱ δὲ τότε δήμαρχοι πρῶτοι συγκαλεῖν ἰπευαλόηο τὴν βουλὴν. Dionys. x. 31.

Cum Tribuni pl. edixissent Senatus adesset a. d. xiii.

Kal. Jan. Cic. Ep. Fam. xi. 6. it. x. 28.

[3] Senatus sæpius pro tua dignitate appellaret, si absentibus Consulibus unquam, nisi ad rem novam cogeretur. Cic. ibid. xii. 28. Liv. xxx. 23.

[4] A Villa in Senatum arcescebantur & Curius & ceteri Senes: ex quo, qui eos arcesiebant, Viatores nominati sunt. Cic. de Sen. xvi.

[5] Postquam audita vox in Foro præconis, Patres in Curiam ad Decemviros vocantis, &c. Liv. iii. 38. Ὅτι the

the usual way of calling them in later days, was by an edict, appointing the time and place, and published several days before, that the notice might be more public [1]. These edicts were commonly understood to reach no farther than to those, who were resident in *Rome*, or near it; yet when any extraordinary affair was in agitation, they seem to have been published also in the other cities of *Italy* [2]. If any senator refused or neglected to obey this Summons, the Consul could oblige him to give surety, for the payment of a certain fine, if the reasons of his absence should not be allowed [3]. But from sixty years of age, they were not liable to that penalty, nor obliged to any attendance, but what was voluntary [4]. In ancient times, as *Valerius* writes, “ the Senators were so vigilant and attentive to the care of the public,

μὲν τὴν βουλὴν διὰ κηρύκων συναλθεῖν. App. Bell. Civ. i.

[1] Cum tot edicta proposuisset Antonius, (Consul) edixit, ut adesset Senatus frequens a. d. viii. Kal. Dec.— in antediem. iv. Kal. distulit. Cic. Phil. iii. 8.

[2] Senatum etiam Kalendis velle se frequentem adesse, etiam Formiis proscribi iussit. Cic. de J. Cæsare, ad Att. ix. 17.

[3] Postquam citati non conveniebant, dimissi circa domos Apparitores ad pig-

nora capienda. Liv. iii. 38.

Quis unquam tanto damno Senatorem coegit? aut quid est ultra, præter pignus & mulctam? Cic. Phil. i. 5.

[4] Lex a sexagesimo anno Senatorem non-citat. Senec. de Brev. vit. xx. But *Seneca* the father tells us, that their absence was excused only from the *sixty fifth year* of their age, which seems most probable. Controv. Ult. l. i. Senator post annum sexagesimum quintum in Curiam venire nec cogitur nec vetatur.

“ that, without waiting for an edict, they used
 “ to meet constantly of themselves, in a certain
 “ portico, adjoining to the Senate house, whence
 “ they could presently be called into it, as soon
 “ as the Consul came ; esteeming it scarce wor-
 “ thy of praise, to perform their duty to their
 “ country, by command only, and not of their
 “ own accord [1].

S E C T. III.

Of the place in which the Senate used to meet.

THE Senate could not regularly be assembled in any private or profane place ; but always in one set apart, and *solemnly consecrated to that use, by the rites of augury* [2]. There were several of these in different parts of the city, which are mentioned occasionally by the old writers, as places, in which the Senate usually met ; as they happened to be appointed by different Consuls, agreeably either to their own particular convenience, or to that of the Senate in general, or to the nature of the business which was to be transacted. These Senate houses were called *Curia*, as the *Curia Calabra*, said to be built by *Romulus* ; the *Curia Hostilia*,

[1] Val. Max. l. ii. 2, 6.

[2] Docuit confirmavitque (Varro) nisi in loco per Augures constituto, quod Tem-

plum appellaretur, Senatus consultum factum esset, justum id non fuisse. A. Gell. xiv. 7.

by

by *Tullus Hostilius*; and the *Curia Pompeia*, by *Pompey the Great* [1].

But the meetings of the Senate were more commonly held in certain temples dedicated to particular Deities; as in that of *Jupiter, Apollo, Mars, Vulcan, Castor, Bellona*; of *Concord, Faith, Virtue, the Earth, &c.* For we find all these particularly celebrated by the ancients, as places, where the Senate was frequently assembled: all which had Altars and Images erected in them, for the peculiar worship of those Deities, whose names they bore: yet these Temples, on account of the use which the Senate made of them, were called likewise *Curia*; as well as the proper *Curia*, or Senate houses, on account of their solemn dedication, are frequently called *Temples* [2]: For the word Temple, in it's primitive sense, signified nothing more, than a place set apart, and consecrated by the Augurs; whether

[1] Juxta Curiam Calabram, quæ Casæ Romuli proxima est. Macr. Sat. i. 15.

Quod cum Senatus de his rebus in Curia Hostilia haberetur. Liv. v. 55.

Postquam Senatus Idib. Mart. in Curiam Pompeii edictus est, Suet. J. Cæs. 80.

[2] Propterea & in Curia Hostilia & Pompeia—quum profana ea loca fuissent, templa esse per Augures consti-

tuta, ut in iis Senatus consultum, more majorum, justa fieri possent. A. Gell. xiv. 7.

Qui—Curiam incenderit? —Templum sanctitatis, amplitudinis, mentis, consilii publici—[Cic. pr. Mil. 33.] Cum Senatus in Curiam, hoc est, Ædem Concordiæ, Templumque inauguratum convenisset. Lamprid. Alex. Sev. c. 6.

inclosed or open, in the city or in the fields. Agreeably to which notion, the Senate used to meet on some occasions in the open air; and especially whenever a report was made to them in form, that *an ox had spoken*; which prodigy, as *Pliny* tells us, was common in the earlier ages [1].

The view of the government, in appropriating these Temples to the use of the Senate, was, to imprint the more strongly on the minds of it's members, the obligation of acting justly and religiously, from the sanctity of the place, and the presence, as it were, of their Gods. Thus one of the Censors removed the statue of *Concord*, from a part of the city, in which it was first erected, into the Senate house, which he dedicated to that Goddess; imagining, as *Cicero* tells us, *That he should banish all love of dissension, from that seat and temple of the public council, which he had devoted by that means to the religion of Concord* [2]. The case was the same with the Temples of the other Goddesses, in which the Senate often met; of *Bellona*, *Faith*,

[1] In hoc tumultu Flaccus inter Æsquilinam Collinamque portam posuit castra. Consules Senatusque in castra venerunt. Liv. xxvi. 10.

Est frequens in prodigiis priscorum, bovem locutum: quo nuntiato, Senatum sub

divo haberi solitum. Plin. Hist. N. viii. 45.

[2] Præscribere enim se arbitrabatur, ut sine studiis dissensionis sententiæ dicerentur, si sedem ipsam ac templum publici consilii religione Concordiæ devinxisset. Cic. pr. Dom. 51.

Virtue, Honor; that the very place might admonish them, of the reverence due to those particular virtues, which their ancestors had deified for the sake of their excellence: and it was to strengthen this principle and sense of religion in them, that *Augustus* afterwards enjoined, *that every Senator, before he sat down in his place, should supplicate that God, in whose Temple they were assembled, with incense and wine* [1].

The Senate, on two special occasions, was always held without the gates of *Rome*, either in the Temple of *Bellona*, or of *Apollo*, 1st, For the reception of foreign embassadors; and especially of those, who came from enemies, who were not permitted to enter the city. 2dly, To give audience and transact business with their own generals, who were never allowed to come within the walls, as long as their commission subsisted, and they had the actual command of an army [2].

[1] Quo autem lecti probatique & religiosius & minore molestia, Senatoria munera fungerentur, sanxit, ut prius, quam consideret quisque, thure ac meto supplicaret apud aram ejus Dei, in cujus Templo coiretur. Suet. Aug. c. 35.

[2] Legati Nabidis Tyranni Romam venerunt duo; his extra Urbem, in Æde

Apollinis Senatus datus est. Liv. xxxiv. 43.

Legati ab Rege Perseo venerunt, eos in oppidum intromitti non placuit, quum jam bellum Regi eorum—Senatus decreisset, & populus jussisset—in Ædem Bellonæ in Senatum introducti. Id. xlii. 36.

P. Corn. Scipio Consul—postero die quam venit Ro-

S E C T. IV.

Of the time when the Senate might legally be assembled.

PAULLUS MANUTIUS is of opinion, that there were certain days, on which the Senate might regularly be assembled, and others, on which it could not : and that these last were called *Comitial* days, and marked under that name in the Kalendars, as days wholly destined and set apart by law, for the assemblies of the people [1]. But *Sigonius* contends, that the Senate might meet on any of those days, unless when the people were actually assembled, and transacting business on them : in proof of which, he brings several testimonies from the old writers, wherein the Senate is said to have been held, not onely on those days, which are marked in the *Fasti*, as *Comitial* ; but on those also, on which the people had been actually assembled, but after their assemblies were dismissed. He observes likewise, that the number of *Comitial* days, as they are marked in the Kalendars, amount in all to *two hundred* : which makes it

mam, Senatu in Ædem Bel-
lonæ vocato, quum de rebus
a se gestis disseruisset, postu-
lavit, ut sibi triumphanti li-
ceret in urbem invehì. Id.
xxxvi. 39.

Qui ne triumphaturi qui-
dem intrare Urbem injussu

Senatus deberetis : quibusque
exercitum victorem reducen-
tibus curia extra muros præ-
beretur. Senec. de Benef. v.
15.

[1] De Senatu Romano,
c. v.

scarce

scarce credible, that either the affairs of the people should necessarily employ so many days, or that the Senate should be precluded from the use of so many in each year : from all which he infers, that the title of *Comitial* denoted such days onely, on which the people might be legally assembled ; not such, on which they were of course to be assembled [1].

The truth of the matter seems to be this, that though the days called *Comitial* were regularly destined to the assemblies of the people ; yet the Senate also might not only be convened on the same, after the popular assemblies were dissolved, but had the power likewise, whenever they found it expedient, to supersede and postpone the assemblies of the people to another day ; and by a particular decree, to authorise their own meetings upon them, for the dispatch of some important affair therein specified [2].

The Senate met always of course on the first of *January*, for the inauguration of the new

[1] Vid. Joh. Sarium Zamosc. de Senatu Rom. l. ii. 7. quem librum Car. Sigonius sub nomine discipuli sui scripsit.

[2] Senatus deinde, concilio plebis dimisso, haberi cœpit. Liv. xxxviii. 53. xxxix. 39.

M. Marcellus Consul—de ea re ita censuit, uti Confules de iis ad Senatum refer-

rent—utique ejus rei causa per dies Comitiales Senatum haberent, Senatusque consultum facerent. Cic. Ep. Fam. viii. 8.

Meministis fieri Senatus consultum referente me, ne postero die Comitia haberentur, ut de his rebus in Senatu agere possemus. Cic. p. Mur. 25.

Consuls,

Consuls, who entered into their office on that day: and there are instances in the ancient writers, of it's being assembled on every other day, except one or two, till after the 15th of the same month; the latter part of which was probably assigned to the assemblies of the people [1]. The month of *February*, generally speaking, was reserved intire by old custom to the Senate, for the particular purpose of giving audience to foreign ambassadors [2]. But in all months universally, there were three days, which seem to have been more especially destined to the Senate, *the Kalends, Nones, and Ides*, from the frequent examples found in history, of its being convened in those days. But *Augustus* afterwards enacted, that the Senate should not meet regularly or of course, except on *two days* onely in each month, *the Kalends and Ides* [3]. The Senate was seldom or never held on public festivals, which were dedicated to shews and sports. In the month of *December*, in which the *Saturnalia* were celebrated for several days successively, *Cicero* giving an account of the debates of the Senate, when two hundred members were present, calls it *a fuller meeting than*

- [1] Vid. Paull. Manut. ib. audiendis datur. Afcon. in
 [2] A Kalendis Feb. Legationes in Idus Feb. rejicie- Verr. i. 35. Ep. ac Fratr. ii.
 bantur. Cic. ad Fratr. 2, 3. 12.
 [3] Ne plus quam bis in
 Hic est mensis, quo Senatus legitimus Senatus age-
 retur, Kalendis & Idibus.
 vinciarum, & legationibus Suet. Aug. 35.

he thought it possible to have been, when the holy-days were commencing [1].

On their days of meeting, they could not enter upon any business *before the sun was risen*; nor finish any, *after it was set*. Every thing transacted by them, either before or after that time, was null and void, and the author of it liable to censure [2]: whence it became a standing rule, that nothing new should be moved, *after four a clock in the afternoon* [3]. Cicero therefore reflects on certain decrees, procured by *Antony*, in his Consulship, as being made *too late in the evening*, to have any authority [4].

[1] Senatus fuit frequentior, quam putabamus esse posse, mense Decembri sub dies festos—sane frequentes fuimus; omnino ad ducentos. Cic. Ep. ad Fr. ii. 1.

[2] Post hæc deinceps dicit, (Varro) Senatus consultum, ante exortum aut post occasum solem factum, ratum non fuisse. Opus etiam Censorium fecisse existimatos, per quos eo tempore S. C. factum esset. A. Gell. xiv. 7.

[3] Majores nostri novam relationem post horam decimam in Senatu fieri vetabant. Senec. de Tranquillitat. 168. A.

[4] Præclara tamen Senatus consulta illo ipso die Vespertina. Cic. Phil. iii. 10.

There is one instance however of the Senate's being assembled at midnight. A. U. 290. upon the arrival of an express from one of the Consuls, to inform the Senate, that he was besieged by the superior forces of the *Æqui* and *Volsci*, and in danger of being destroyed, with his whole army, without an immediate succour; which was accordingly decreed and sent to him without loss of time. Dionys. ix. 63.

Of the different ranks and orders of men in the Senate, and of the method observed in their deliberations.

THE Senate, as I have shewn above, was composed of all the principal magistrates of the city, and of all, who had borne the same offices before them: and consisted therefore of several degrees and orders of men, who had each a different rank in it, according to the dignity of the character, which he sustained in the Republic.

At the head of it, sat the two Consuls in chairs of state [1]; raised, as we may imagine, by a few steps, above the level of the other benches: out of respect to whose supreme dignity, the whole assembly used to pay the compliment of *rising up* from their seats, as soon as they entered into the Senate house [2]. *Manutius* thinks, that the other magistrates sat next to the Consular chair, each according to his rank; the *Prætors*, *Censors*, *Ædiles*, *Tribuns*, *Quæstors* [3]. But that opinion is grounded only

[1] Non hæc sedes honoris, sella curulis, unquam vacua mortis periculo fuit. Cic. in Cat. iv. 1.

[2] Num quisquam tibi, [Consuli] in Curiam venienti assurrexit. In Pis. 12.

[3] Vid. Paul. Manut. de

Senatu Rom. c. ix.

But since the manner of their sitting can be gathered onely from conjecture, I have been apt rather to think, that the Consular Senators, who, in all ages of the Republic, were the leaders and first
on

on conjecture; since none of the ancients have left us any account of their manner of sitting. This however is certain, that all the private Senators sat on different benches, and in a different order of precedence, according to the dignity of the magistracies, which they had severally borne. First the *Consulars*; then the *Prætorians*, *Ædilitians*, *Tribunitians*, and *Quæstorians*: in which order, and by which titles, they are all enumerated by *Cicero* [1]: and as this was their order in sitting, so it was the same also, in delivering their opinions, when it came to their turn.

speakers in the Senate, used to sit next in order to the Consuls: and after them the *Prætors*, and all who were of *Prætorian* dignity, or had been *Prætors*: then the *Ædiles*, the *Tribuns*, and the *Quæstors*, on distinct benches; and on the same bench with each, all who had borne the same offices: but the *Curule* magistrates, as the *Prætors* and *Ædiles*, were perhaps distinguished at the head of their several benches, by seats somewhat raised or separated at least from the rest in the form of our Settees, or of that *Longa Cathedra*, which *Juvenal* mentions, to denote their *Curule* dignity. Sat. ix.

5.

These Senatorian benches

were long, so as to hold a great number on each: whence *Pompey* used to call the determinations of the Senate, *the judgement of the long bench*, [Cic. Ep. Fam. iii. 9.] by way of distinction from the shorter benches of the courts of judicature. Some of these benches, however, appear to have been very short, or not unlike to our stools; on which each of the ten *Tribuns* perhaps used to sit single: for the Emperor *Claudius*, as *Suetonius* writes, when he had any great affair to propose to the Senate, used to sit upon a *Tribunitian* bench, placed between the *Curule* chairs of the two Consuls. Suet. Claud. 23.

[1] Cic. Phil. xiii. 13, 14.

But

But besides these several orders, of which the Senate was composed, there was one member of it distinguished always from the rest, by the title of *Prince of the Senate*: which distinction had been kept up from the very beginning of the Republic; to preserve the shadow of that original form, established by their founder, *Romulus*; by which he reserved to himself the nomination of the first or principal Senator, who, in the absence of the King, was to preside in that assembly. This title was given of course to that person, whose name was *called over the first* in the roll of the Senate, whenever it was renewed by the Censors. He was always one of Consular and Censorian dignity; and generally one of the most eminent for probity and wisdom: and the title itself was so highly respected, that he who bore it, was constantly called by it, preferably to that of any other dignity, with which he might happen to be invested [1]: yet

[1] P. Lentulum, Principem Senatus. [Cic. Phil. viii. 4.] Cum armatus M. Æmilius, Princeps Senatus in Comitio stetit. Pr. Rabir. 7. After the institution of the Censors, it became a custom to confer this title of *Prince of the Senate*, on the oldest Senator then living, of Censorian dignity: but in the second Punic war, when one of the Censors insisted, that this rule, delivered to them by their ancestors, ought to

be observed, by which T. Manlius Torquatus was to be called over the first of the Senate; the other Censor declared, that, since the Gods had given to him the particular lot of calling over the Senate, he would follow his own will in it, and call Q. Fabius Maximus the first; who by the judgement of Hannibal himself, was allowed to be the *Prince of the Roman people*. Liv. xxvii. 11.

there

there were no peculiar rights annexed to this title, nor any other advantage, except an accession of authority, from the notion, which it would naturally imprint, of a superior merit in those, who bore it.

The Senate being assembled, the Consuls, or the magistrate, by whose authority they were summoned, having first taken the auspices, and performed the usual office of religion, by sacrifice and prayer, used to open to them the reasons of their being called together, and propose the subject of that day's deliberation: in which all things divine, or relating to the worship of the Gods, were dispatched preferably to any other business [1]. When the Consul had moved any point, with intent to have it debated and carried into a decree, and had spoken upon it himself, as long as he thought proper, he proceeded to ask the opinions of the other Senators severally by name, and in their proper order; beginning always with the Consulars, and going on to the Prætorians, &c. It was the practice originally, to *ask the Prince of the Senate the first*: but that was soon laid aside, and the compliment transferred to any other ancient Consular, distinguished by his integrity and superior abilities: till in the later ages of the Republic, it became an established custom, to pay that respect to rela-

[1] Docet deinde, (Varro) immolare hostiam prius, auspicarique debere, qui Senatū habiturus esset: de rebus

divinis prius quam humanis ad Senatum referendum esse. A. Gell. xiv. 7.

tions, or particular friends, or to those, who were likely to give an opinion the most favorable to their own views and sentiments on the question proposed [1]. But whatever order the Consuls observed, in asking opinions, on the first of *January*, when they entered into their office, they generally pursued the same through the rest of the year. *J. Cæsar* indeed broke through this rule: for though he had asked *Crassus* the first, from the beginning of his Consulship, yet, upon the marriage of his daughter with *Pompey*, he gave that priority to his Son-in-law; for which however he made an apology to the Senate [2].

This honor, of being asked in an extraordinary manner, and preferably to all others of the same rank, though of superior age or nobility, seems to have been seldom carried farther, than to four or five distinguished persons of Consular dignity [3]; and the rest were afterwards asked

[1] *Singulos autem debere consuli gradatim, incipique a Consulari gradu, ex quo gradu semper quidem antea primum rogari solitum, qui Princeps in Senatum lectus esset: tum novum morem institutum refert, per ambitionem gratiamque, ut is primus rogaretur, quem rogare vellet, qui haberet Senatum, dum is tamen ex gradu consulari esset. ibid.*

[2] *Ac post novam assigni-*

tatem, Pompeium primum rogare sententiam cœpit (J. Cæsar) quum Crassum solum essetque consuetudo, ut quem ordinem interrogandi sententias Consul Kal. Jan. instituisset, eum toto anno conservaret. Suet. J. Cæs. 21.

Ejus rei rationem reddidisse eum Senatui, Tiro Tullius, M. Ciceronis libertus, refert A. Gell. iv. 10.

[3] *Scito igitur, primum me non esse rogatum sententiam*
according

according to their seniority: and this method, as I have said, was observed generally through the year, till the election of the future Consuls, which was commonly held about the month of *August*: from which time, it was the constant custom, to ask the opinions of *the Consuls elect* preferably to all others, till they entered into their office, on the first of *January* following [1].

As the Senators then were personally called upon to deliver their opinions, according to their rank, so none were allowed to speak, till it came to their turn, excepting the magistrates; who seem to have had a right of speaking on all

tiam: præpositumque esse nobis Pacificatorem Allobrogum: idque admurmurante Senatu, neque, me invito, esse factum—& ille secundus in dicendo locus habet auctoritatem pœne principis: tertius est Catulus: quartus (si etiam hoc quæris) Hortensius. Cic. ad Att. i. 13.

C. Cæsar in Consulatu—quatuor solos extra ordinem sententiam rogasse dicitur. A. Gell. iv. 10.

[1] Tum D. Junius Silanus, primus sententiam rogatus, quod eo tempore Consul designatus erat. [Sallust. Bell. Cat. 50.] Ego tamen sic nihil expecto, quomodo Paullum, Consulem designatum, primum sententiam dicentem. Cic. Ep. Fam. viii.

4. Vid. it. Phil. v. 13.

As the Consuls elect had this preference given in speaking before all the Consulars; so the Prætors and Tribuns elect seem to have had the same, before the rest of their particular orders: for in that famous debate upon the manner of punishing *Catiline's* accomplices, we find that *J. Cæsar*, then *Prætor elect*, was asked his opinion by the Consul, at the head of the Prætorians; and *M. Cato*, then *Tribun elect*, was asked likewise in his turn, at the head of the Tribunitians. Vid. Sallust. Bell. Cat. 51, 52. Cic. Ep. ad Att. l. xii. 21. it. Pigh. Annal.

S 2

occasions,

occasions, whenever they thought fit; and for that reason perhaps were not particularly asked or called upon by the Consuls. *Cicero* indeed, on a certain occasion, says, *that he was asked the first of all the private Senators* [1]; which implies, that some of the magistrates had been asked before him: but they were then asked by a *Tribun of the people*, by whom that meeting of the Senate had been summoned, and who would naturally give that preference to the superior magistrates, who then happened to be present: but I have never observed, that a Consul asked any one the first, but a Consular Senator, or the Consuls elect.

Though every Senator was obliged to declare his opinion, when he was asked by the Consul, yet he was not confined to the single point then under debate, but might launch out into any other subject whatsoever, and harangue upon it as long as he pleased [2]. And though he might deliver his opinion with all freedom, when it came to his turn, yet the Senate could not take any notice of it, nor enter into any debate upon it, unless it were espoused and proposed to them in form by some of the ma-

[1] *Racilius* surrexit, & de judiciis referre cœpit. *Marcellinum* quidem primum rogavit—postea de privatis me primum sententiam rogavit—*Cic. ad Fratr. ii. 1.*

[2] *Licere* Patribus, quoties jus sententiæ dicendæ

accepissent, quæ vellent expromere, relationemque in ea postulare. *Tacit. Ann. xiii. 49.*

Erat jus Senatori, ut sententiam rogatus, diceret ante quicquid vellet aliæ rei, & quoad vellet. *A. Gell. iv. 10.*
gistrates,

magistrates, who had the sole privilege of referring any question to a vote, or of dividing the house upon it [1]. Whenever any one spoke, he rose up from his seat, and stood while he was speaking; but when he assented onely to another's opinion, he continued sitting [2].

Several different motions might be made, and different questions be referred to the Senate by different magistrates, in the same meeting [3]: and if any business of importance was expected or desired, which the Consuls had omitted to propose, or were unwilling to bring into debate, it was usual for the Senate, by a sort of general clamour, to call upon them to move it; and upon their refusal, the other magistrates had a right to propound in, even against their will [4].

[1] Huic assentiuntur reliqui Consulares, præter Servilium—& Volcatium, qui, Lupo referente, Pompeio discernit. Cic. Ep. Fam. i. 1, 2.

From these two epistles it appears, that *Volcatius's* opinion in favor of *Pompey* was not referred to the Senate by *Volcatius* himself, who was then a private Senator, but by *Lupus*, then Tribun of the people, in order to divide the house upon it. For a private Senator, as *Tacitus* intimates above, could only, *relationem postulare*, that is, demand to have it referred to a vote by some of the magistrates.

[2] Racilius surrexit, &c. [Cic. ad Fra. ii. 1.] Postquam Cato assedit. [Sallust. Bell. Cat. 53. Cic. ad Att. i. 14.] Quotiescunque aliquid est actum, sedens, iis assensu, qui mihi lenissime sentire visi sunt. Cic. Ep. Fam. v. 2.

[3] De Appia Via & de Moneta Consul; de Lupercis Tribunus pleb. refert. Cic. Phil. vii. 1.

[4] Conclamaturn deinde ex omni parte Curia est, uti referret P. Ælius Prætor. [Liv. xxx. 21.] Flagitare Senatus institit Cornutum, ut referret statim de tuis litteris. Ille, se considerare velle, cum

If any opinion, proposed to them, was thought too general, and to include several distinct articles, some of which might be approved, and others rejected, it was usual to require, that it might be divided, and sometimes by a general voice of the assembly, calling out, *divide, divide* [1]. Or if in the debate, several different opinions had been offered, and each supported by a number of Senators, the Consul, in the close of it, used to recite them all, that the Senate might pass a vote separately upon each: but in this, he gave what preference he thought fit, to that opinion which he most favored, and sometimes even suppressed such of them, as he wholly disapproved [2]. - In Cases however, where there appeared to be no difficulty or opposition, decrees were sometimes made, without any opinion being asked or delivered upon them [3].

ei magnum convicium feret a cuncto Senatu, quinque Tribuni pl. retulerunt. [Cic. Ep. Fam. x. 16.] De quo legando spero Consules ad Senatum relaturos; qui si dubitabunt, aut gravabuntur, ego me profiteor relaturum. Cic. pr. Leg. Man. 19.

[1] Quod fieri in Senatu solet, faciendum ego in Philosophia etiam existimo; cum censeat aliquis quod ex parte mihi placeat, jubeo dividere sententiam. [Senec. Epist.

21.] Postulatum est, ut Bibuli sententia divideretur. Cic. Ep. Fam. i. 2. Vid. Ascon. in Orat. pr. Mil. 6.

[2] Lentulus Consul sententiam Calidii pronuntiaturum se omnino negavit. Cæs. Comm. Bell. Civ. 429.

[3] Præclara tum oratio M. Antonii - de qua ne sententias quidem diximus. Scriptum S. C. quod fieri vellet, attulit. Cic. Phil. i. 1.

When

When any quæstion was put to the vote, it was determined always by a division or separation of the opposite parties, to different parts of the Senate-house; the Consul or presiding magistrate having first given order for it in this form; *let those, who are of such an opinion, pass over to that side; those, who think differently, to this* [1]. What the majority of them approved, was drawn up into a decree, which was generally conceived in words prepared and dictated by the first mover of the quæstion, or the principal speaker in favor of it; who, after he had spoken upon it, what he thought sufficient to recommend it to the Senate, used to conclude his speech, by summing up his opinion in the form of such a decree, as he desired to obtain in consequence of it [2]: which decree, when confirmed by the Senate, was always signed and

[1] Qui hoc censetis, illuc transite; qui alia omnia, in hanc partem. [Fest. in Voc. Qui.] de tribus Legatis, frequentes ierunt in alia omnia. Cic. Ep. Fam. i. 2.

[2] Thus *Cicero's Philippic* Orations, which were spoken at different times in the Senate, on points of the greatest importance, generally conclude with the form of such a decree, as he was recommending on each particular occasion; *Quæ cum ita sint; or Quas ob res ita censeo.*

Vid. Philip. iii. v. viii. ix. x. xiii. xiv.

Cicero speaking of the decree, by which the accomplices of *Catiline* were condemned to suffer death, gives this reason why it was drawn in the name and words of *Cato*, though *Silanus* the Consul elect, had delivered the same opinion before him; because *Cato* had spoken upon it more explicitly, fully, and strongly than *Silanus*. Ep. ad Att. xii. 21.

attested by a number of Senators, who chose to attend through the whole process of it, for the sake of adding their names to it, as a testimony of their particular approbation of the thing, as well as of respect to the person, by whose authority, or in whose favor it was drawn [1].

When the Senate appeared to be disposed and ready to pass a decree, it was in the power of any one of the ten Tribuns of the people, to *intercede*, as it was called; that is, to quash it at once, by his bare negative, without assigning any reason [2]. The general law of these *intercessions* was, that any magistrate might inhibit the acts of his equal, or inferior [3]: but the Tribuns had the sole prerogative, of controlling the acts of every other magistrate, yet could not be controlled themselves by any [4]. But

[1] Hæc enim Senatus consulta non ignoro ab amicissimis ejus, cujus de honore agitur, scribi solere. [Cic. Ep. Fam. xv. 6. it. viii. 8.] These subscriptions were called, S. C. auctoritates. *ibid.*

[2] Veto was the solemn word used by the Tribuns, when they inhibited any decree of the Senate, or law proposed to the people. Faxe, ne juvet vox ista, Veto, qua nunc concinentes Collegas nostros tam læti auditis. *Liv. vi. 37.*

[3] Postea scripsit (Varro)

de intercessionibus, dixitque intercedendi, ne Senatus consultum fieret, jus fuisse iis solis, qui eadem potestate, qua ii, qui S. C. facere vellent, majoreve essent. [A. Gell. xiv. 7.] At si potestas par majorve prohibuisset, Senatus consulta perscripta servanto. *Cic. de Leg. iii. 3.*

[4] Οὐθὲν γὰρ τῶν πραττομένων ὑπὸ τῆς ἀρχῆς ἐκείνης ἐπισχεῖν ἢ κωλύσαι τῶν ἄλλων τινὶ ἐξίστω, ἀλλ' ἐτίθει δημάρχῳ τὸ ἐν τῷ πράττειν. *Dionys. x. 31.*

in all cases, where the determinations of the Senate were overruled by the negative of a Tribun, of which there are numberless instances, if the Senate was unanimous, or generally inclined to the decree so inhibited, they usually passed a vote to the same purpose, and in the same words, which, instead of a decree, was called *an authority of the Senate*, and was entered into their journals [1], yet had no other force, than to testify the judgement of the Senate on that particular question, and to throw the odium of obstructing an useful act, on the Tribun, who had hindered it. And in order to deter any magistrate, from acting so factiously and arbitrarily in affairs of importance, they often made it part of the decree, which they were going to enact, that if any one attempted to obstruct it, *he should be deemed to act against the interest of the Republic* [2]. Yet this clause had seldom any effect on the hardy Tribuns, who used to apply their negative in defiance of it, as freely, as on any other more indifferent occasion.

[1] De his rebus Senatus auctoritas gravissima intercessit: cui cum *Cato & Caninius* intercessissent, tamen est per-scripta. [Cic. Ep. Fam. i. 2.] Servilius Ahala—si quis intercedat Senatus consulto, se auctoritate fere contentum, dixit. Liv. iv. 57. Vid. Dio. lv. 550.

[2] Senatum existimare,

neminem eorum, qui potestatem habent intercedendi—moram afferre oportere, quominus S. C. fieri possit. qui impedierit — eum Senatum existimare, contra Rempub. fecisse. Si quis huic S. C. intercesserit, Senatui placere, auctoritatem perscribi. Cic. Ep. Fam. viii. 8. ad Att. iv. 2.

But

But the private Senators also, and especially the factious and leaders of parties, had several arts of obstructing or postponing a decree, by many pretexts and impediments, which they could throw in its way. Sometimes they alledged scruples of religion; *that the Auspices were not favorable, or not rightly taken*; which, if confirmed by the Augurs, put a stop to the business for that day [1]. At other times, they urged some pretended admonition from *the Sibylline books*, which were then to be consulted and interpreted to a sense, that served their purpose [2]. But the most common method was, *to waste the day*, by speaking for two or three hours successively, so as to leave no time to finish the affair in that meeting; of which we find many examples in the old writers: yet when some of the more turbulent magistrates were grossly abusing this right, against the ge-

[1] Recitatis litteris, oblata religio Cornuto est. Pullariorum admonitu, non satis diligenter eum auspiciis operam dedisse; idque a nostro Collegio esse comprobatum. itaque res dilata est in posterum. Ep. Fam. x. 12.

[2] Thus in a debate on the subject of replacing King *Ptolemy* on the throne of *Egypt*; the Tribun *Cato*, who opposed it, produced some verses from the *Sibylline books*, by which they were

warned, never to restore any King of *Egypt* with an army; upon which the Senate laid hold on that pretext, and voted it dangerous to the Republic, to send the King home with an army. [Dio. 39, p. 98. Cic. ad Fratr. ii. 2.] concerning which *Cicero*, in his account of it to *Lentulus*, says, Senatus religionis calumniam non religione, sed malevolentia, & illius regie largitionis invidia comprobabat. Cic. Ep. Fam. i. 1.

neral

neral inclination of the assembly, the Senators were sometimes so impatient, as to silence them, as it were, by force, and to disturb them in such a manner, by their clamor and hissing, as to oblige them to desist [1].

It seems probable, that a certain number of Senators was required by law, as necessary to legitimate any act, and give force to a decree. For it was objected sometimes to the Consuls, that they had procured decrees *surreptitiously, and by stealth as it were, from an house not sufficiently full* [2]: and we find business also postponed by the Senate, for the want of *a competent number* [3]: so that when any Senator, in a thin house, had a mind to put a stop to their proceedings, he used to call out to the Consul, *to number the Senate* [4]. Yet there is no certain

[1] C. Cæsar Consul M. Catonem sententiam rogavit. Cato rem, quam consulebatur, quoniam non e Repub. videbatur, perfici nolebat. ejus rei gratia ducendæ, longa oratione utebatur, eximebatque dicendo diem. A. Gell. iv. 10.

Cum ad Clodium ventum est, cupiit diem consumere: neque ei finis est factus: sed tamen cum horas tres fere dixisset, odio & strepitu Senatus, coactus est aliquando perorare. Cic. ad Att. iv. 2.

[2] Neque his contentus Consul fuit. Sed postea per

infrequentiam furtim Senatus consulto adjecit, &c. [Liv. xxxviii. 44.] Qui per infrequentiam furtim Senatus consultum ad ærarium detulit. Liv. xxxix. 4.

[3] In Kalendas rejecta re, ne frequentiam quidem efficere potuerunt. Cic. Ep. Fam. viii. 3. it. viii. 5.

[4] *Numera Senatum*, ait quivis Senator Consuli, cum impedimento vult esse, quominus faciat S. C. Fest. in Voc. Numera.

Renuntiatum nobis erat, Hirrum diutius dicturum, prendimus eum, non modo
number

number specified by any of the old writers, except in one or two particular cases. For example; when the *Bacchanalian* rites were prohibited in *Rome*, it was decreed, that no one should be permitted to use them, without a special licence granted for that purpose by the Senate, when *an hundred members* were present [1]: and this perhaps was the proper number required at that time in all cases, when the Senate consisted of *three hundred*. But about a century after, when its number was increased to *five hundred*, *C. Cornelius*, a Tribun of the people, procured a law, that the Senate should not have a power of *absolving any one from the obligation of the laws*, unless *two hundred* Senators were present [2].

The decrees of the Senate were usually published, and openly read to the people, soon after they were passed; and an authentic copy of them was always deposited in the public treasury of the city, or otherwise they were not considered as legal or valid [3]. When the business of

non fecit, sed cum de hostibus ageretur, & posset rem impedire, si, *ut numeraretur*, postularet, tacuit. Cic. Ep. Fam. viii. 11.

[1] Quum in Senatu centum non minus adessent. Liv. xxxix. 18.

[2] Diximus—Cornelium primo legem promulgasse, nequis per Senatum lege solveretur: deinde tulisse, ut

tum denique de ea re S. C. fieret, cum adessent in Senatu non minus cc.

Ascon. in orat. pr. Cornel. 1.

[3] Senatus consulta nunquam facta ad ærarium (ab Antonio) referebantur. [Cic. Phil. v. 4.] Igitur factum S. C. ne decreta Patrum ante diem decimum ad ærarium deferrentur. Tac. Ann. iii. 51.

the

the day was finished, the Consul, or other magistrate, by whom the Senate had been called together, used to dismiss them with these words, *Fathers, I have no farther occasion to detain you ; or, no body detains you* [1].

S E C T. VI.

Of the force or effect of the decrees of the Senate.

AS to the force of these decrees, it is difficult to define precisely, what it was. It is certain, that they were not considered as laws, but seem to have been designed originally, as the ground work or preparatory step to a law, with a sort of provisional force, till a law of the same tenor should be enacted in form by the people ; for in all ages of the Republic no law was ever made, but by the general suffrage of the people. The decrees of the Senate related chiefly to the executive part of the government ; to the assignment of provinces to their magistrates ; and of stipends to their generals, with the number of their soldiers ; and to all occasional and incidental matters, that were not provided for by the laws, and required some present regulation : so that for the most part, they were but of a temporary nature, nor of

[1] Neque unquam recessit Aurel.] Tum ille, se Sena-
de Curia, nisi Consul dixisset, tum negavit tenere. Cic. ad
nihil vos moramur, Patres con- Fratr. ii. 1.
scripti. [Capitolin. de M.

force any longer, than the particular occasions subsisted, to which they had been applied.

But though they were not, strictly speaking, laws; yet they were understood always to have a binding force; and were generally obeyed and submitted to by all orders, till they were annulled by some other decree, or overruled by some law. Yet this deference to them, as I have signified above, was owing rather to custom, and a general reverence of the city for the authority of that supreme council, than to any real obligation derived from the constitution of the government. For in the early ages, upon a dispute concerning a particular decree, we find the Consuls, who were charged with the execution of it, refusing to enforce it, because it was made by their predecessors, alledging, *that the decrees of the Senate continued onely in force for one year; or during the magistracy of those, by whom they were made* [1]. And Cicero likewise, when it served the cause of a client, whom he was defending, to treat a decree of the Senate with slight, declared it to be of no effect, *because it had never been offered to the people, to be enacted into a law* [2]. In both which cases, though the Consuls and Cicero said nothing, but what was agreeable to the nature of the thing, yet they said it perhaps more strongly and pe-

[1] Καὶ ἅμα ὁδὲ εἶναι νόμος παρὸν ἀνέκδοτον ἔχοντα ἰσχύν.
 εἰς αἰὲν κυρίως, ἃ ψηφίσται τὸ Dionys. ix. 37.
 ἀνέκδοτον, ἀλλὰ πολυτέλειαν [2] Cic. pr. Cluentio, 49.

remptorily, than they would otherwise have done, for the sake of a private interest; the Consuls, to save themselves the trouble of executing a disagreeable act; and *Cicero*, to do a present service to a client, who was in great danger and distress. But on all occasions indeed, the principal magistrates, both at home and abroad, seem to have paid more or less respect to the decrees of the Senate, as it happened to serve their particular interest, or inclination, or the party, which they espoused in the state [1]. But in the last age of the Republic, when the usurped powers of some of its chiefs had placed them above the controul of every custom or law, that obstructed their ambitious views, we find the decrees of the Senate treated by them, and by all their creatures, with the utmost contempt [2]; whilst they had a bribed and corrupted populace at their command, ready to grant them every thing, that they desired, till they had utterly oppressed the public liberty.

[1] *Cicero* recommending the affairs of *Cervellia* to *P. Servilius*, when he was governor of *Asia*, puts him in mind, that there was a decree of the Senate subsisting, which was favorable to her interest, and that he knew *Servilius* to be one of those, who paid great regard to the

authority of the Senate. Ep. Fam. xiii. 72.

[2] Habet orationem talem Consul, (*Gabinus*) qualem nunquam *Catilina* victor habuisset; errare homines, si etiam tum Senatum aliquid in Repub. posse, arbitrarentur. Cic. pr. Sext. 12.

S E C T. VII.

Of the peculiar dignity, honors, and ornaments of a Roman Senator.

IT is natural to imagine, that the members of this supreme council, which held the reins of so mighty an empire, and regulated all its transactions with foreign states, and which, in its *flourishing condition*, as Cicero says, *presided over the whole earth* [1], must have been considered every where as persons of the first eminence, which the world was then acquainted with. And we find accordingly, that many of them had even *Kings, cities, and whole nations*, under their particular patronage [2]. Cicero reciting the advantages of a Senator, above the other orders of the city, says, that he had *authority and splendor at home; fame and interest in countries abroad* [3]: and on another occasion, “what city is there, says he, not only in our provinces, but in the remotest parts of the

[1] Qui quondam florens Orbi terrarum præsidebat. Phil. ii. 7.

[2] In ejus magistratus tutela Reges atque exteræ gentes semper fuerunt. [pr. Sext. 30.]. Duæ maximæ Clientelæ tuæ, [Catonis] Cyprus Insula, & Cappadociæ regnum, tecum de me loquentur: puto etiam Regem

Deiotarum, qui tibi uni est maxime necessarius. [Cic. Ep. Fam. xv. 4.] Adfunt Segeftani, Clientes tui (P. Scipionis.) [In Verr. iv. 36.] Marcelli, Siculorum Patroni. Ib. 41.

[3] Auctoritas, domi splendor; apud exterâs nationes, nomen & gratia. pr. Cluen. 56.

“earth,

“earth, ever so powerful and free, or ever so
“rude and barbarous; or what King is there,
“who is not glad to invite and entertain a
“Senator of the Roman people in his house[1]?”

It was from this order alone, that all embassad-
ors were chosen and sent to foreign states: and
when they had occasion to travel abroad, even
on their private affairs, they usually obtained
from the Senate the privilege of a *free legation*,
as it was called; which gave them a right to
be treated every where with the honors of an
embassador, and to be furnished on the road
with a certain proportion of provisions and ne-
cessaries for themselves and their attendants [2]:
and as long as they resided in the Roman pro-
vinces, the governors used to assign them a
number of *lictors*, or mace-bearers, to march
before them in state, as before the magistrates
in *Rome* [3]. And if they had any law-suit or

[1] *Ecquæ civitas est, non in provinciis nostris, verum in ultimis nationibus, aut tam potens, aut tam libera, aut etiam tam immanis ac barbara: Rex denique ecquis est, qui Senatorem populi Romani testæ ac domo non invitet?* Cic. in Verr. iv. 11.

[2] *Placitum est mihi, ut postularem legationem liberam mihi reliquisque nostris, ut aliqua causa proficiscendi honesta quæreretur.* Cic. Ep.

Fam. xi. 1. it. vid. Att. xv. 11. C. Anicius—negotiorum suorum causa, legatus est in Africam, legatione libera. Cic. Ep. Fam. xii. 21. Suet. in Tiber. 31.

[3] *Idque a te peto, quod ipse in provincia facere sum solitus, non rogatus, ut omnibus Senatoribus Lictores darem: quod idem acceperam & cognoveram a summis viris factitatum.* Cic. Ep. Fam. xii. 21.

cause of property depending in those provinces, they seem to have had a right to require it to be remitted to *Rome* [1].

At home likewise they were distinguished by peculiar honors and privileges : for at the public shews and plays, they had particular seats set apart and appropriated to them in the most commodious part of the theatre [2] : and on all solemn festivals, when sacrifices were offered to *Jupiter* by the magistrates, they had the sole right of *feasting publicly in the capitol*, in habits of ceremony, or such as were proper to the offices, which they had born in the city [3].

[1] Illud præterea—feceris mihi pergratum----si eos, quum cum Senatore res est, Romam rejeceris. Ib. xiii. 16.

[2] Lentulus, Popillium, quod erat libertini filius in Senatum non legit, locum quidem Senatorium ludis, & cetera ornamenta reliquit. Cic. pr. Clu. 47. vid. it. Plutar. in Flamin. p. 380. A.

But in the shews and games of the *Circus* they used to sit promiscuously with the other citizens, till the emperor *Claudius* assigned them peculiar seats there also. Suet. in Claud. 21.

The place where the Senators sat in the theatres was called the *Orchestra*, which

was below all the steps or common benches of the theatres, and on a level with that part of the stage, on which the Pantomimes performed. Vid. Suet. Aug. 35. & in J. Cæs. 39.

Æquales illic habitus, similesque videbis

Orchestram & populum—

Juv. Sat. iii. 177.

In Orchestra autem Senatorum sunt sedibus loca destinata. Vitruv. l. v. c. 6.

[3] Quosdam (Senatores) ad excusandi se verecundiam compulit : servavitque etiam excusantibus insigne vestis, & spectandi in Orchestra, epulandique publice jus. Suet. Aug. 35.] Ea simultas quum diu mansisset ; & solemnī die

They

They were distinguished also from all the other citizens by the ornaments of their ordinary dress and habit, especially by their *vest* or *tunic*, and the fashion of their shoes; of which the old writers make frequent mention. The peculiar ornament of their *tunic* was the *latus clavus*, as it was called, being a broad stripe of purple, sewed upon the forepart of it, and running down the middle of the breast, which was the proper distinction between them and the Knights, who wore a much narrower stripe of the same color, and in the same manner [1]. The fashion also of their shoes was peculiar and different from that of the rest of the city. Cicero speaking of one *Afinius*, who in the general confusion occasioned by *J. Cæsar's* death, had intruded himself into the Senate, says, *that seeing the Senate house open after Cæsar's death, he changed his shoes, and became a Senator at once* [2]: this difference

Jovi libaretur, atque ob id sacrificium Senatus in Capitolio epularetur. A. Gell. xii. 8. Dio, l. v. 554. C.

[1] Galli braccas deposuerunt, latum clavum sumpserunt. [Suet. J. Cæs. 80.] Anuli distinxere ordinem Equestrem a plebe — sicut tunica ab anulis Senatum — quamquam & hoc fero, vulgoque purpura latiore tunicae usos etiam invenimus Præcones. Plin. Hist. xxxiii. 1.

Quid confert purpura major

Optandum? —

Juv. Sat. i. 106.

Nam ut quisque infans nigris medium impediit crus Pellibus, & latum demisit pectore clavum.

Mor. S. i. 6. 28.

Paterculus de Mæcenate, Vixit angusto clavo contentus. l. ii. 88.

[2] Est etiam Afinius quidam Senator voluntarius,

T 2

appeared

appeared in the color, shape, and ornament of the shoes. The color of them was *black*, while others wore them of any color perhaps, agreeably to their several fancies. The form of them was somewhat like to a short boot, reaching up *to the middle of the leg*, as they are sometimes seen in ancient statues and bas reliefs: and the proper ornament of them was, the figure of an *half moon*, sewed or fastened upon the forepart of them near the ancles [1]. *Plutarch*, in his Roman quæstions, proposes several reasons of this emblematical figure [2]: yet other writers say, that it had no relation to the moon, as it's shape seemed to indicate, but was designed to express the letter C, as the numeral mark of *an hundred*, to denote the original number of the Senate, when it was first instituted by *Romulus* [3].

As to the gown, or upper robe of the Senators, I have not observed it to be described any where, as differing from that of the other citizens; except of such of them onely, as were actual magistrates of the city, as the *Consuls*, *Prætors*, *Ædiles*, *Tribuns*, &c. who, during the year

lectus ipse a se. apertam Curiam vidit post Cæsaris necem: mutavit calceos: pater conscriptus repente est factus. Cic. Phil. xiii. 13.

[1] Adpositam nigræ lunam subtexit alutæ.

Juv. vii. 192.

Nigris medium impediit crura Pellibus —

Hor. sup.

[2] Quæst. Roman. 75.

[3] Zonar. xi. Isidor. xix.

34.

of

of their magistracy, always wore the *Prætecta*, or a gown bordered round with a stripe of purple [1]: in which habit also, as I have signified above, all the rest of the Senate, who had already born those offices, used to assist at the public festivals and solemnities [2].

[1] Cum vos vestem mutantam censuissetis, cunctique mutassent, ille (Consul Gabinius) unguentis oblitus, cum *toga prætexta*, quam omnes Prætores, Ædilesque abjecerant, irrisit squalorem meum. Cic. post red. in Sen. 5.

Quod Tribuni plebis prætextam quoque gestare soleant, a Cicerone indicatum est, qui Quintii Tribuni pl. *purpuram usque ad talos demissam irridet*, [pr. Cluen. 40.]

quam quidem purpuram *Quintilianus*, de eodem *Quintio* loquens, *Prætextam* appellat, l. v. 13. p. 275. Ed. Oxon.

[2] Nescis heri quantum in Circo diem Lydorum Romanorum fuisse? te autem ipsum ad populum tulisse, ut quintus præterea dies Cæsari tribueretur? cur non sumus prætextati? Cic. Phil. ii. 43.

Prætorio licet prætexta toga uti, Festis aut Solennibus diebus. Senec. Controv. li. 8.

A P P E N D I X.

TO this description of the Roman Senate, I have subjoined here, by way of Appendix, an extract or two from *Cicero's* letters and orations, which give a distinct account of some particular debates, and the entire transactions of several different days; and will illustrate and exemplify, what has been said above, concerning the method of their proceedings.

M. CICERO to his brother QUINTUS.

Lib. ii. 1.

THE Senate was fuller, than I thought it possible to have been, in the month of *December*, when the holidays were coming on [1]. There were present, of us Consulars, besides the two Consuls elect, *P. Servilius*, *M. Lucullus*, *Lepidus*, *Volcatius*, *Glabrio*. All the Prætors. We were really full: two hundred at least in all. *Lupus* had raised an expectation. He spoke indeed exceedingly well on the affair of the *Campanian lands* [2].

[1] These holidays were the *Saturnalia*, sacred to Saturn, which lasted as some say, five, or as others, seven days. But the two last were an addition to the ancient festival, and called *Sagillaria*.

Et jam Saturni quinque fuere dies.

Mart. iv. 89.

Saturni septem venerat ante dies.

Id. xiv. 7.

[2] *P. Rutilius Lupus* was was

“ was heard with great silence. You know the
 “ nature of the subject. He ran over all my
 “ acts, without omitting one. There were
 “ some stings on *C. Caesar*, abuses on *Gellius*,
 “ expostulations with *Pompey*, in his absence.
 “ He did not conclude till it was late ; and then
 “ declared, that he would ask our opinions,
 “ lest he might expose us to the inconvenience
 “ of any man’s resentment [1] : that from the
 “ reproaches, with which that affair had been
 “ treated before, and from the silence, with
 “ which he was now heard, he understood, what
 “ was the sense of the Senate ; and so was going
 “ to dismiss us. Upon which *Marcellinus* said,
 “ you must not judge from our silence,
 “ *Lupus*, what it is that we approve or disap-
 “ prove on this occasion : for as to myself (and
 “ the rest, I believe, are of the same mind) I
 “ am silent upon it for this reason, because I do

one of the new Tribuns of the people, just entered into his office on the 10th of *December*, A. U. 696, by whose authority this meeting of the Senate appears to have been summoned, in order to reconsider the affair of the *Campanian lands*, and to repeal the law, which *J. Caesar* had procured from the people about three years before, for a division of those lands, to the poorer citizens ;

to the great disgust of the Senate, and all the honest part of the city. See *Life of Cæsar*. vol. i. p. 294, 428.

[1] The repeal of this law would have been greatly resented by *J. Caesar*, who was now commanding in *Gaul* : and more immediately by *Pompey*, who was now united with him in the league of the *Triumvirate*, and engaged to support all his interests in *Rome*.

“ not think it proper, that the case of the *Campanian lands* should be debated in *Pompey's* absence [1]. Then *Lupus* said, that he detained the Senate no longer. But *Racilius* rose up, and began to move the business of the trials [2]: and asked *Marcellinus* the first [3]. Who, after heavy complaints on the burnings, murders, stonings, committed by *Clodius*, delivered his opinion; that he himself, with the assistance of the Prætor of the city, should make an allotment of judges, and when that allotment was made, that then the assemblies of the people should be held for the elections. That if any one should obstruct the trials, he should be deemed to

[1] *Pompey* was now in *Sardinia*, providing stores of corn for the use of the city, where there was a great scarcity: which commission had been decreed to him by the Senate at *Cicero's* motion. See life of *Cic.* vol. i. p. 407.

[2] *T. Annius Milo*, one of the late Tribuns, whose office was just expired, had impeached *Clodius* in form, for the violences committed by him in the city, but *Clodius*, by faction and the help of the Consul *Metellus*, found means to retard and evade any trial; and to screen himself from that danger, was

suing for the *Ædileship* of the next year. *Milo* therefore, on his side, contrived by his Tribunitian power, to obstruct any election, till *Clodius* should be brought to a trial. This was the present state of the affair, and the point in debate was, whether the trials or the elections should be held the first.

[3] *Cn. Cornelius Lentulus Marcellinus* was now Consul elect, and *L. Marcius Philippus*, mentioned below, was his colleague, who were to enter into office on the first of *January*.

“ act

“ act against the interest of the Republic. This
 “ opinion was greatly applauded : *C. Cato* spoke
 “ against it ; and *Cassius* also, but with a great
 “ clamor of the Senate, when he declared him-
 “ self for the assemblies, preferably to the trials.
 “ *Philippus* assented to *Lentulus’s* opinion. *Ra-*
 “ *cilius* afterwards asked me the first of the pri-
 “ vate Senators. I spoke long, on all the mad-
 “ nefs and violences of *P. Clodius*, and accused
 “ him, as if he had been a criminal at the bar,
 “ with many and favorable murmurings of the
 “ whole Senate. *Vetus Antistius* said much in
 “ praise of my speech, nor indeed without some
 “ eloquence [1]. He espoused the cause of the
 “ trials, and declared, that he would have them
 “ brought on the first. The house was going
 “ into that opinion : when *Clodius* being ask-
 “ ed [2], began to waste the day in speaking.
 “ He raved, at his being so abusively and
 “ roughly treated by *Racilius*, when, on a sud-
 “ den, his mercenaries without doors raised an
 “ extraordinary clamor, from the Greek station
 “ and the steps, incited, I suppose, against *Q.*
 “ *Sextilius* and the friends of *Milo*. Upon this
 “ alarm, we broke up instantly in great disgust.
 “ You have the acts of one day : the rest, I

[1] *Racilius*, *C. Cato*, *Cas-*
sius, *Antistius*, the chief speak-
 ers in this debate, were all
 Tribuns of the people, and
 Collegues of *Lupus*.

[2] He was asked probably
 by one of the Tribuns, *Cato*
 or *Cassius*, who were on the
 same side of the question
 with him.

"guess, will be put off to the month of Ja-
 "nuary. . . .

M. TULLIUS CICERO, to P. LENTULUS,
 Proconsul.

Ep. Fam. i. 2.

"**N**OTHING was done in the Senate,
 "on the *Ides of January*: because a great
 "part of the day was spent in an altercation,
 "between *Lentulus*, the Consul, and *Caninius*,
 "Tribun of the people. I spoke much also
 "myself on that day, and seemed to make a
 "a great impression on the Senate, by remind-
 "ing them of your affection to their order.
 "The day following therefore it was resolved,
 "that we should deliver our opinions in short [1].
 "For the inclination of the Senate appeared to
 "be turned again in our favor: which I clearly
 "saw, as well by the effect of my speaking, as
 "by applying to them singly, and asking their
 "opinions. Wherefore when *Bibulus's* opinion

[1] This letter was writ-
 ten about a month after the
 former; soon after *Cn. Len-*
tulus Marcellinus and *L. Mar-*
cus Philippus had entered up-
 on the Consulship. The
 question under debate was,
 in what manner they should
 restore King *Ptolemy*, to the
 throne of *Aegypt*, from which
 he had been driven by his
 subjects. *P. Lentulus Spin-*

ther, to whom this letter is
 addressed, who had been
 Consul the year before, and
 was now Proconsul of *Cilicia*,
 was very desirous to be charg-
 ed with the commission of
 restoring the King: *Cicero*
 was warmly in his interest,
 and *Pompey* pretended to be
 so too: yet all *Pompey's*
 friends were openly soliciting
 the commission for *Pompey*.

" was

“ was declared the first ; that three embassadors
 “ should carry back the King : *Hortensius’s* the
 “ second ; that you should carry him without
 “ an army : *Volcatius’s* the third ; that *Pompey*
 “ should carry him back : it was demanded,
 “ that *Bibulus’s* opinion should be divided. As
 “ to what he said, concerning the scruple of
 “ religion [1], to which no opposition could
 “ then be made, it was agreed to by all : but
 “ as to the three embassadors, there was a
 “ great majority against it. *Hortensius’s* opini-
 “ on was next : when *Lupus*, Tribune of the
 “ people, because he had made the motion in
 “ favor of *Pompey*, began to insist, that it was

[1] When this affair was first moved in the Senate, they seemed to be generally inclined to grant the commission to *Lentulus* ; and actually passed a decree in his favor : yet many of them afterwards, either out of envy to *Lentulus*, or a desire of paying their court to *Pompey*, or a dislike to the design itself, of restoring the King at all, contrived several pretexts to obstruct the effect of it : and above all, by producing certain verses from the *Sibylline* books, forewarning the Roman people, never to restore any King of Egypt with an army. *Bibulus’s* opinion related to these verses, and upon their authority, declared it dangerous to the Republic, to send the King home with an army : and though this pretext was so silly in itself, and known to be so by all those, who made use of it, yet the superstition of the populace, and their reverence for the *Sibyl’s* authority was so great, that no opposition could be made to it. The Senate embraced it therefore, as *Cicero* says, not from any scruple of religion, but malevolence to *Lentulus*, and the envy and disgust, which the scandalous bribery, practised by the King, had raised against him. See Ep. i.

“ his

“ his right to divide the house upon it, before
 “ the Consuls [1]. There was a great and ge-
 “ neral outcry against his speech; for it was
 “ both unreasonable and unprecedented. The
 “ Consuls neither allowed, nor greatly opposed
 “ it: they had a mind, that the day should be
 “ wasted; which was done accordingly. For
 “ they saw a great majority, ready to go into
 “ *Hortensius's* opinion, yet seemed outwardly to
 “ favor *Volcatius's*. Many were asked, and a-
 “ gainst the will of the Consuls. For they were
 “ desirous, that *Bibulus's* opinion should take
 “ place. This dispute being kept up till night,
 “ the Senate was dismissed,” &c.

In one of *Cælius's* letters to *Cicero*, we find the following decrees of the Senate transcribed in proper form, and sent with the other news of the city to *Cicero*, when Proconsul of *Cilicia*.

“ The authority of the decree of the Senate.
 “ On the 30th of *September*, in the temple of *A-*
 “ *pollo*, there were present at the engrossing of
 “ it, *L. Domitius*, the son of *Cn. Abenobarbus*;

[1] The opinion delivered in this debate in favour of *Pompey*, was first proposed by *Volcatius*, a Consular Senator; yet was espoused afterwards by *Lupus*, Tribun of the people, and referred, or moved by him in form to the Senate, in order to be put to a vote, which was the peculiar right of the magistrates. But as to his dis-

pute with the Consul about a priority in dividing the house, it seems to have been started by him with no other view, but to waste the day, as the Consuls also desired to do, in a fruitless altercation, so as to prevent *Hortensius's* opinion, which seemed likely to prevail, from being brought in to debate.

“ *Q. Cæcilius*,

“ *Q. Cæcilius*, the son of *Q. Metellus Pius Scipio* ;
 “ *L. Villius*, the son of *Lucius Annalis*, of the
 “ *Pomptine* tribe : *C. Septimius*, the son of *Titus*,
 “ of the *Quirine* tribe : *C. Lucceius*, the son of
 “ *C. Hirrus*, of the *Pupinian* tribe : *C. Scri-*
 “ *bonius*, the son of *C. Curio*, of the *Popillian*
 “ tribe : *L. Atteius*, the son of *L. Capito*, of
 “ the *Aniensian* tribe ; *M. Oppius*, the son of
 “ *Marcus*, of the *Terentine* tribe. Whereas *M.*
 “ *Marcellus*, the Consul, proposed the affair of
 “ the Consular provinces, his opinion upon it
 “ was this ; that *L. Paullus* and *C. Marcellus*,
 “ Consuls elect, should, after their entrance into
 “ their magistracy, refer the case of the Consu-
 “ lar provinces to the Senate, on the first of
 “ *March*, which was to be in their magistracy :
 “ and that no other business should be moved
 “ by the Consuls on that day before it, nor any
 “ jointly with it : and that for the sake of this
 “ affair, they might hold the Senate, and
 “ make a decree on the *Comitial* days : and
 “ whenever it should be brought before the
 “ Senate, they might call away from the bench
 “ any of the three hundred, who were then
 “ judges : and if it was necessary, that any
 “ thing should be enacted about it by the
 “ people or the Commons, that *Serv. Sulpicius*
 “ and *M. Marcellus*, the Consuls, the Præ-
 “ tors, the Tribuns, or any of them, who
 “ thought fit, should lay it before the people
 “ or the Commons : and whatever they omitted
 “ to

“ to refer to the people or the Commons, that
 “ the succeeding magistrates should refer it.”

In *Cicero's* first *Philippic* also, in which he is reciting all their late transactions in the Senate, from the time of *Cæsar's* death, there is this passage : “ On that day, in which we were summoned to the temple of *Tellus*, I there laid a foundation of peace, as far as it was in my power, and renewed the old example of the *Athenians*, and made use of the same Greek word, which that city then used, in calming their civil dissensions [1] ; and gave my opinion, that all remembrance of our late disorders should be buried in eternal oblivion. *Antony's* speech on that occasion was excellent * * *. He abolished for ever out of the Republic, the office of a Dictator, which had usurped all the force of regal power. Upon which we did not so much as deliver our opinions. He brought with him in writing the decree, which he was desirous to have us make upon it : which was no sooner read, than we followed his authority with the utmost zeal ; and gave him thanks for it by another decree in the amplest terms [2].

But on another occasion, in his *third Philippic*, he reproaches *Antony* for decreeing a supplication or public thanksgiving to *M. Lepidus*, by a division only, or vote of the Senate, without asking any one's opinion upon it : which, in that case of a

[1] The Greek word, ἀμνηστία, amnesty.

[2] Phil. i. 1.

supplication, *had never been done before* [1]. For it was thought a mark of greater respect to the General, in whose honor it was granted, to give his friends an opportunity of displaying his particular praises and services, in their speeches on such occasions.

[1] *Fugere festinans, Senatus consultum de supplicatione per discessionem fecit : cum id factum esset antea nunquam.* Phil. iii. 9.

That the opinions of the particular Senators used to be asked, in the case of decreeing supplications, appears from Cic. Ep. Fam. viii. 11.

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 application, had never been before [1]. For
 it was thought a mark of greater respect to the
 General, in whose honor it was granted, to give
 his friends an opportunity of displaying his par-
 ticular qualities and services, in their speeches on
 their occasions.

[1] Plutarch's History, &c.
 Plutarch, in the life of the
 General, mentions the application
 made for the adoption of the
 law, as a mark of greater respect
 to the General, in whose honor
 it was granted, to give his
 friends an opportunity of
 displaying his particular
 qualities and services, in
 their speeches on their
 occasions.

AD. 110.
 The Senate, in the year
 of the Republic, 450,
 passed a law, which
 gave the friends of the
 General, an opportunity
 of displaying his
 particular qualities and
 services, in their
 speeches on their
 occasions.

Dr. *MIDDLETON*'s
P R E F A C E
T O
HIS TRANSLATIONS
O F
CICERO's LETTERS to BRUTUS,
AND OF
BRUTUS to CICERO.

VOL. IV.

U

DE WIDDELTON

REF A C E

T O

HIS TRANSLATIONS

O F

CICERO'S LETTERS TO BRUTUS

AND OF

BRUTUS TO CICERO

V

VOL. IV.

Dr. MIDDLETON'S P R E F A C E

T O

HIS TRANSLATIONS

O F

CICERO'S LETTERS, &c.

THE authority of *Cicero's* letters to *Brutus* having lately been called in question by the learned *Mr. Tunstall*, Fellow of *St. John's College*, and Orator of the University of Cambridge [1]; who, in a Latin Epistle addressed to myself, has attempted to prove them to be the forgery of some Sophist, and on the merit of that proof, has rejected them as spurious [2]; it seems incumbent particularly on me, to vindicate their credit, and assert their real antiquity: since it might justly be reckoned a fraud in the literary, as it is in the mercantile world, to offer any thing to the public, which

[1] Vid. Tunstalli Epist. ad C. Middleton. 8vo. Cantabrigiæ, 1741.

[2] De Epistolis—quæ Ciceronis nomen falso præferunt. ibid. p. 3.

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we did not either believe, or could not even warrant to be genuin : and an Epistle indeed of that sort addressed to me, must be interpreted by every body, as a defiance or challenge to enter the lists with him in that cause ; which it would be shameful in me to decline, not only as an Editor of the Epistles in question, but as I have made great use of them in my *Life of Cicero*, without intimating the least scruple, or indeed without conceiving any about them.

For I am not ashamed to own, that I have always looked upon these letters, not onely as originals, but the most valuable of that kind, which are preserved to us from old *Rome* ; written in the very crisis and last struggle of it's liberty, by the greatest men, who then lived in it, and who soon after died for it. This, I say, has been my constant persuasion ; which, after all the pains that our learned Critic has taken, I see not the least reason to alter ; and since it would be a sensible loss to all the lovers of polite letters, to be deprived of a classical remnant of antiquity, of which they have fancied themselves rightfully possessed ; I think it my duty, as far as I am able, to free them from that apprehension, and to ensure to them the possession of a treasure, which they have so long enjoyed and so highly valued.

If it should be asked, why in a controversy of this nature, I have chosen to give an *English* answer to a *Latin Epistle* ; there were several reasons, which determined me to prefer this method ;

method: first, the perpetual reference and connection, which this piece will necessarily have with my *Life of Cicero*: secondly, as it will be a proper Preface to this English Edition of the letters themselves: and thirdly, as it will make the subject of our dispute more intelligible to every body; especially since our Critic, with his *Latin* performance, though he professes, *to come fresh from the Study of Tully's Epistles* [1], has not had the fortune to make himself understood, and will consequently be very little read, without the help of such a comment.

In order therefore to place the whole argument in the clearest light, I shall lay before the reader, in the first place, a short history of the Epistles here published; as it is delivered to us from the earliest tradition, to the time of our Critic's attack upon them.

It appears from the accounts of the ancients, that a collection of letters, between *Cicero* and *Brutus*, was subsisting many ages after *Cicero's* death. *Nonius Marcellus*, an old Grammarian, cites a passage from *the first*; and another, from *the eighth book* of them [2]: *Quintilian* often refers to them [3]: and *Plutarch*, as our Critic observes, has given us extracts from two of the

[1] Nam cum ab Epistolarum earum, quæ haud dubie *Ciceronis* sunt, lectione recens ad has—devenissem. different. dictionum in different. inter *amare* & *diligere*. it. And. Patric. in Fragment. Epist. ad Brut.

Tunst. Epist. p. 193.

[3] Vid. Quintil. l. iii. c. 8.

[2] Vid. Non. Marcell. de l. viii. 3, 6. l. ix. 3, 4.

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principal of them [1]. This collection then consisted of *eight books*; all of them probably written, between the time of *Cæsar's* and of *Cicero's* death, concerning the memorable events of that busy period; which included about a year and half: for the passage, that *Nonius* cites from the *first book*, is found in the *first* of these *Epistles* now remaining [2]; which seems to have been written about the end of the year, in which *Cæsar* was killed [3]. The correspondence indeed between these two great men began several years before, when *Cicero* was Proconsul of *Cilicia* [4]; and was carried on occasionally through all *Cæsar's* reign; but as the letters of that interval related chiefly to private affairs, and the mutual recommendation of their friends to each other; so those, which happened to be preserved, were inserted among the *Familiar Epistles*, where some of them are to be found at this day [5].

As the original letters then of this collection are allowed to have subsisted till the time of *Plutarch*; so we cannot suppose them to have been wholly lost in *Rome* and *Italy*, till the final declension of that Empire, and that universal ruin,

[1] Vid. Tunstall. Epist. p. 194.

[2] Observandum est, eum Epistolarum librum, qui nunc etiam extat inter impressos ad *Brutum*, primum nominari a Nonio, in differentia inter *amare & diligere*. And. Patric. in Fragm. Epist. ad Brut.

[3] A. U. 709.

[4] In *Cicero's* Epistles to *Atticus*, during his government of *Cilicia*, he mentions several letters, which he had received from *Brutus*. Ep. ad Att. l. vi. 1. &c.

[5] Ep. Fam. xiii. 10.

which

which oppressed all the liberal arts, by the overbearing power of *the Goths and Vandals*. But after many centuries of *Gothic* barbarism, whenever any men of genius or superior taste began to inquire after the monuments of the ancients, *Cicero's* works were generally the first, that were sought for in all the places, where there was any school of learning, or library of books. *Petrarch*, who florished about the year 1340, was the leader in this search, as all the later writers testify of him. *He was the first*, says *Ludovicus Vives*, *who unlocked the musty libraries, and wiped off the dust from the monuments of the Classic writers: on which account the Latin tongue is much indebted to him; though he was not able to attain to a purity of writing, or to clear himself intirely from the barbarism of his age.* *Paullus Jovius* and others give the same account of him; *that he was the first, who attempted to retrieve the Latin tongue, and to raise up the ancient letters from their Gothic Sepulchres* [1].

He tells us himself, in one of his letters, what great pains he took, to recover the remains of *Cicero*; not onely in person and in his travels through *France* and *Germany*, but by commissions to his friends and correspondents in all parts of *Europe*, the result of which was; *that he got together several duplicates of Cicero's common pieces, but was not able, he says, to procure any of the*

[1] Vid. Doctor. testimonia de Petrarcha, in Edit. Oper. Pol. Basil. 1581.

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rare ones, except the two books on Glory, (which he lost again soon after by lending to a friend) and some separate Epistles and Orations [1]. Among the rest, we find him possessed of these very Epistles, which are the subject of our present inquiry : for in one of his letters, fancifully addressed to the Manes of Cicero, he cites two passages, from the two celebrated Epistles of Brutus ; the one to Cicero, the other to Atticus [2].

Petrarch's example improved the taste of his own, as well as of the succeeding ages ; and inspired the learned with the same zeal of hunting out the works of the ancients, and particularly of Cicero. Among whom Poggius of Florence, in the next century, is said to have brought into Italy the copies of several of his pieces, from the Council of Constance ; and to have been the first discoverer of the intire collection of his Epistles to Atticus [3] ; which, with those to his Brother Quintus, and the few, that were then found of these very letters to Brutus, were printed together in one volume soon after Poggius's death, at Venice, by Nicolas Jenson ; and at Rome by Sweynheim and Pannartz ; A. D. 1470. Which letters, as it is signified in an Epigram, at the end of Jenson's Edition, were very rare to be

[1] Vid. Petrarch. Epist. l. xv. 1.

[2] Vid. Petrarch. Epist. ad quosdame Veterib. Ep.

1. p. 704.

[3] Vid. Hoffman. Lexic. de Poggio & And. Patric. in Fragn. de Gloria.

met with before the time of that impression [1].

But of the *eight books* of these letters, which anciently subsisted, no more could be retrieved by the curious of those times, than *eighteen* scattered Epistles, which were published in that first edition: and of which several impressions were afterwards made in different parts of *Europe*: till *six* or *seven* more, rather fragments, than intire letters of the same collection, happened to be found many years after in *Germany*; which were printed likewise and added to the common editions, though separated and distinguished in most of them, as they continue still to this day, from the *eighteen*, which were before published.

These *eighteen*, from their first appearance in the world, either in MS. or print, have generally passed among the learned for *the original Epistles of Cicero and Brutus*. *Erasmus*, indeed, seems to rank the letters of *Brutus*, in the same class with those of *Phalaris*, as *the declamatory compositions* of some Sophist [2]: yet upon another occasion, he cites the very same letters, without intimating the least suspicion of them [3]; and I do not know, that they have ever

[1] Vid. Mattaire Annal. Typograph. vol. 1.

[2] Porro, quas nobis reliquit nescio quis, *Bruti* nomine; nomine *Phalaridis*, nomine *Senecæ & Pauli*; quid aliud censerî possunt, quam declamatiunculæ? Epist. ad Beat. Rhenan. Oper. Tom. iii.

par. 1. p. 554. C. Lugd. Bat. 1703.

[3] *Brutus* indignatur *Ciceroni*, qui suis concionibus & scriptis irritaret eos, quos irritatos non posset opprimere. Ep. ad. Guilhelm. ib. p. 641. A.

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been suspected by any body else. As to the rest; which were found afterwards in *Germany*, though the novelty of the discovery surprized the Critics a while, and made them cautious of declaring any judgment upon them; yet after they had been spread into all hands, and considered at leisure by men of taste, they met with the same approbation, as the first eighteen; and have been cited ever since without any scruple, as the unquestionable remains of the great authors, to whom they are ascribed.

I publish these six Epistles, says Victorius, as I received them from the Germans: for though I have never met with them in any old MSS, yet I have no mind to impeach the fidelity of the Germans, who attest, that they found them in an ancient copy, nor to interpose my own judgment on either side [1]: Lambinus says the same thing, but adds, yet if any one is desirous, to know my opinion about them, I take them to be the genuin Epistles of Brutus and Cicero [2].

Sigonius, in his collection of the fragments of Cicero, speaking of these same letters, says; "I have chosen to insert in this place, four letters of Cicero to Brutus, and one of Brutus to Cicero; which are said to be found by the Germans in a MS copy [3]; because they are

[1] See Victorius's Edition of Cicero's works.

[2] See Lambinus's Edition.

[3] These Epistles found in *Germany* are differently divided in the common Editions into *five, six, or seven*:
" rejected

“ by many, as spurious, nor are found in all the
 “ printed editions; and in those, where they
 “ are found, are jumbled together confusedly,
 “ and read with little or no regard—yet both
 “ the matter and time of them shew, that they
 “ ought to be placed before all the rest of the
 “ Epistles to *Brutus*, but so, as to be connected
 “ with them [1].” And in another part of his
 comment, he confirms a passage in one of these
 letters, by a parallel expression in the other
eighteen, which, as he declares, *were unquestionably*
beld to be Cicero's [2].

Andr. Patricius also, who published a more
 complete collection of the same fragments, soon
 after that of *Sigonius*, speaking of *the Epistles*
found in Germany, says; “ there are some, in-
 “ deed, who deny them to be *Cicero's*; but I
 “ attribute more in this case, to the letters them-
 “ selves, which speak sufficiently for themselves,
 “ and to the authority also of *Manutius*, who af-
 “ firms the same thing, than to any man living.
 “ Yet those, who do not acknowledge *Cicero's*
 “ hand in them, are but few, and cannot sure-
 “ ly be very learned. Let these letters then be

For as five of them were
 found imperfect, so some of
 the five have been annexed
 to each other, according to
 the different fancy of diffe-
 rent Editors, as supposed to
 have belonged originally to

the same letter.

[1] Vid. Sigonii Schol.
 in *Fragm. Cic.* p. 176.

[2] Quod etiam facit in iis,
 quæ pro certo *Tullianæ* ha-
 bentur. *ib.* p. 178.

“ joined

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“joined to the rest, as the thing itself requires,
“and as *Sigonius* has shewn the way [1].”

This was the state of *the following Epistles*, when our Critic thought fit to make his attack upon them. The eighteen, first printed, had been generally received as genuin by the Critics of all ages : the rest were suspected a while by a few, but after a due examination obtained the same credit with the first. Our Critic makes no distinction, but roundly condemns them all : and so far I am ready to agree with him ; that if he can prove any one of them to be forged, I shall make very little difficulty to give up the rest. But though I have considered his arguments with attention, yet they have had no other effect, but to persuade me more strongly than ever, that the letters are originals : and I can hardly doubt, but that every reader will be of the same mind, when we come to the examination of his particular objections.

But before we descend to this task, it will be necessary to discuss with him a preliminary point or two, which seem to be of no small moment towards determining the main question. For if, upon his authority, we must believe the Epistles to be spurious, it might reasonably be expected, that he should give us some account *at the same time*, in what age, or *by whom*, they might probably be forged ; concerning which he has not ventured, to offer the least conjecture. That

[1] Vid. And. Patricium in Fragg. Epist. ad Brutum.

we may supply therefore what he has omitted, let us consider here a little, at what time this imagined forgery could possibly be executed. He allows them indeed to be *ancient* [1]; yet in another place seems to suspect, that they may perhaps be *modern* [2]; but does not pretend to say, either *how ancient* or *how modern* he takes them to be: and here lies the difficulty; and so great an one, as seems sufficient of itself, to shake his whole Hypothesis.

The original letters were extant, as we have seen, to the time of *Plutarch*; and could not therefore be lost, till the purity of the Latin tongue was lost: and as there could be no room for such a forgery, as long as the genuine letters were in being, so it is not credible, that, in the following ages of barbarism, a Sophist should be found, so perfect a master of *Cicero's* style, and the purest taste of writing, as to impose his forgeries upon the ablest Critics, who have ever lived: or that he should think of putting such a cheat upon the world, at a time, when there was scarce a man, much less a society of men in it, who had any particular respect for *Cicero*, or made any study of his writings: or when those writings lay dispersed and neglected in distant parts of *Europe*, that he should be furnished with them so largely, as to be able to execute a

[1] Quod si quis horum antiquitatis monumentorum, veterum fortasse—amore ad- ductus, &c. Tunstall. Epist. p. 251.

[2] Hæc quidem antithesis quiddam τῶν νεωτέρων sapere vi- detur. ib. p. 233. in notis.

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work, which required an intimate knowledge and acquaintance with them all.

Again; as the genuin letters subsisted, till the purity of Latin was lost, so these remains, which are now in our hands, were actually in being long before that purity revived; being cited, as I have shewn, by *Petrarch*, two centuries before the reformation; or before any taste of fine writing began to flourish again in *Europe*: so that, if they were really forged, as our Critic contends, they must have been forged in the intermediate ages of darkness and ignorance, since their known history precludes us from ascribing them to any other age.

For my own part, as far as I am able to judge, either from the style, or, on what I lay a far greater stress, the matter of them, I take them to be in all points so truly *Ciceronian*, as to be persuaded, that there has scarce been a man in the world, from the time of *Plutarch*, to that of *Petrarch*, who was capable of such a forgery. Nay, from the time even of *Augustus*, we see so remarkable an alteration, and gradual declension of language, in the very best writers of the succeeding ages, as could hardly have failed of being distinguished, in a series of many letters, from the flowing periods of *Cicero*. The lower we descend, the case is still worse; and in proportion, as we remove from the age of *Cicero*, towards that of *Petrarch*, the difficulty increases to a degree almost of impossibility. About the time indeed of the Reformation, the men of taste

and

show 4

and polite letters began to vie with each other in the delicacy of their style, and above all, in the imitation of *Cicero*; in which they were so nice and fastidious, as to allow nothing to be classical, that was not drawn from his works [1]. Some of these, by making *Cicero* their sole pattern, were able perhaps to copy his manner, with more exactness, than any who have lived since *Plutarch's* time: but it happens, that the suspected letters were not onely extant, but printed, long before any writers of this class were in being.

But if we had found a Sophist, capable of such a work, and settled the time, in which he lived, yet another question will occur, of no less difficulty, concerning the end, that he proposed to himself in undertaking it. It could not certainly be fame; since he chose to lie concealed, and continues concealed to this day: nor could it be money; since in the barbarous ages, no body would buy his work; nor in any age, would the gain ever pay for the labor of it. Our Critic indeed has pointed out two ends, which he might possibly have in view; first, *to draw up an epilogue or supplement to the Epistles to At-*

[1] Quasi parùm sit in orbe factionum, revixit nova factio Ciceronianorum—Ut, fateor Ciceroni primam in dicendo laudem deberi, ita puto ridiculum, tota vita nihil aliud agere, quam ut Ciceronem unum exprimas. Ep.

ad Jac. Tuffanum. ib. p. 938. D.

Ac non Ciceronianum appellari multo probrosius esse ducunt, quam appellari hæreticum. ad Jo. Vergar. ib. p. 1015. E.

ticus,

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ticus, so as to carry on the history, where those to Atticus drop it [1]. But when there had been eight books of these letters originally subsisting, whose loss suggested the thought of forging others in their stead, it is reasonable to imagine, that he would have carried on the history, as far as those books had done: or given us at least a regular series of letters, and not, what we now find, a few unconnected Epistles, with some pieces or fragments of others, which appear to be the ruins of a greater work; and instead of continuing the history to the end of the correspondence between *Cicero* and *Brutus*, afford but a partial and broken detail of it, thro' four months onely of the twelve, which he had undertaken to supply.

The second end, which he has provided for his Sophist, is, *to vindicate Cicero's character from the imputation of rashness, in throwing too much power into the hands of Octavius* [2]: and this indeed was the onely answer, that he gave me, when I asked him once in a conversation, *what end the Sophist could serve by such a forgery*: and though I thought it ridiculous, and freely told him so, yet he has taken occasion to intimate it

[1] Hæque remaneant folia, quæ earum, quæ ad *Atticum* sunt, historiam producant, & *Epilogi* cujusdam vicem, quasi id de industria comparatum fuisset, sustineant. Tunstall. p. 194.

[2] Id notare proclive est, defensorem nostrum *Ciceronis* plus nimio laborasse, ne is, in suscipiendo *Cæsaris* patrocinio, promovendaque dignitate, famam, quod dicit, subiret temeritatis. ib. 212.

in different parts of his work. But against whom then could this Sophist mean to defend Cicero? why truly against himself. For no body ever accused him, but the author of these letters; or no body, I may venture to say, who had not first read and believed them to be genuine. Thus *Petrarch*, though he had a veneration for Cicero's character, yet upon the authority of these letters, does not scruple to censure his conduct, as inconsistent with his principles. *What answer*, says he, *will you give to your Brutus, when he tells you, that the court, which you pay to Octavius, shews, that you are not displeased with a master, but want onely to have a more friendly one?* And again, *I myself, with that same Brutus, can no longer set any value on those arts, with which I know you to be so greatly furnished* [1]. Our critic, therefore, if he will be consistent, must introduce *two Sophists*, instead of *one*, in his next edition; the one to arraign, and the other to defend Cicero.

But it is time to procede to the examination of his objections, which he sums up in general to the following effect:

" That as he came fresh from the reading of Cicero's genuine letters, so he perceived, that these to Brutus wanted the beauty and copiousness of the Ciceronian diction; that both Brutus's and Cicero's were drawn in the same style and manner of coloring; and trimmed up with

[1] Vid. Pettrach. Epist. ad viros quosdam e veteribus. Ep. i. p. 704.

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“ so much art and diligence, that they seemed to
 “ procede rather from scholastic subtlety and me-
 “ ditation, than from the genuin acts and affairs
 “ of real life : that when there had been several
 “ other letters from Brutus to Cicero, and to At-
 “ ticus, both before and after the time, in which
 “ these are supposed to be written, it was strange,
 “ that all those should be lost, and these onely re-
 “ main, which appear to have been industriously
 “ designed for an Epilogue to the Epistles to At-
 “ ticus. That these reasons induced him to sus-
 “ peet; but upon looking farther into the letters
 “ themselves, he discovered many absurdities in the
 “ sense, improprieties in the language; many re-
 “ markable predictions of future events, both
 “ on Brutus’s side and on Cicero’s; but what was
 “ most material, a great number of historical
 “ facts, not onely quite new, but wholly altered,
 “ and some even apparently false, and contradic-
 “ tory to the genuin works of Cicero [1].

He goes on to support this general charge
 by particular proofs, and begins with such as
 relate to history; which he opens with two no-
 table passages, as he calls them, from *Plutarch*;
 wherein he gives the following summary ac-
 count of the two famous Epistles of *Brutus*; the
 one to *Cicero*, the other to *Atticus*, which our
 Critic supposes *Plutarch* to have seen in the ori-
 ginal collection, that subsisted in his time [2].
 “ When Cicero, says *Plutarch*, out of hatred to
 “ Antony had espoused the interests of *Octavius*,

[1] Tunst. Epist. p. 193.

[2] Ib. 194.

“ *Brutus*

“ Brutus reproved him for it severely, telling him
 “ by letter, that he had no aversion to a master,
 “ but was afraid onely of an angry one ; that all
 “ his measures tended to procure an easy servitude,
 “ since he was constantly declaring in his letters
 “ and speeches, that Octavius was a good natured
 “ man ; whereas our ancestors, says he, would not
 “ endure even a gentle master. That for his
 “ part, he had not thought proper as yet, either to
 “ enter forwardly into war, nor wholly to sit
 “ idle, but had taken onely this single resolution,
 “ not to live a slave. That he was surprized,
 “ that Cicero should have so much dread of a
 “ civil and dangerous war, yet have none at the
 “ same time of a base and inglorious peace ; but
 “ should demand as the reward of dispossessing An-
 “ tony of his tyranny, to make Octavius the ty-
 “ rant in his stead. To this effect, says Plutarch,
 “ Brutus expressed himself in his first letter [1].”

Again ; with regard to Brutus's other letter
 to Atticus, Plutarch says ; “ that Cicero's hatred
 “ to Antony in the first place, and in the next, his
 “ own natural temper, unable to hold out against
 “ those, who paid a court to him, made him Octa-
 “ vius's friend ; imagining, that he should attach
 “ his power by that means to the service of the
 “ state. For the young man carried himself so
 “ obsequiously towards him, as to call him even
 “ Father. Upon which Brutus, being greatly
 “ incensed, inveighs against Cicero, in a letter to
 “ Atticus ; that by the observance which he paid

[1] Vid. Plutar. in Vit. Brut. p. 994.

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“ to Octavius, through fear of Antony, he plainly
 “ shewed, that his aim was, not to procure the li-
 “ berty of his country, but a kind master onely to
 “ himself [1].”

Now these two passages agree very well in the main with the general argument of the two letters, which are still extant. But our Critic observes, that there are some manifest contradictions between them; the principal of which is, that the genuin letters, which *Plutarch* had seen, were written by *Brutus*, while he continued in *Italy*, whereas these, which are now in our hands, are pretended to be written much later, when *Brutus* was in *Macedonia* [2]. He mentions two other contradictions of less moment, which I shall not repeat, as being nothing to his purpose; since those, who follow fact and plain sense, would make no other reflexion upon them, but that *Plutarch* was negligent and inaccurate, as he is known to be in all his *Lives*, and the whole difficulty would be solved.

But this solution cannot please our Critic. It cuts short all refinement, and leaves no room for an Hypothesis; which he resolves to build upon these very facts; for he tells us in the next paragraph, “ that some Sophist, happening to read
 “ those true sentiments of *Brutus*, in *Plutarch*, or
 “ some other Historian, took the hint to forge a
 “ collection of letters upon that plan, and executed
 “ it accordingly; but without the least regard to

[1] *Plut. in Vit. Cicer.* p. 883.

[2] *Tunst. Ep.* p. 196.

“ the time, in which the original letters were
 “ written; or without considering, how much
 “ earlier Plutarch had placed the facts there men-
 “ tioned, than he thought fit afterwards to place
 “ them; or how long before his account of the
 “ matter, Octavius had been suspected, and Bru-
 “ tus had found reason to chide Cicero for his in-
 “ considerate rashness in making him so great, [1].”

But he must be a stupid Sophist, indeed, who after forming the plan of a work, by which he hoped to deceive the world, could be so careless in the execution of it, as to contradict his author in the very articles, which he was borrowing from him.

Since Plutarch's authority then is made the foundation of our Critic's Hypothesis, in opposition to what I have elsewhere observed with relation to it, it will be necessary to resume the consideration of that question, and to state the real merit of it, as briefly as I can; especially as it will afford us a specimen of our Critic's judgment, and manner of reasoning through his whole performance.

I had observed in the Preface to my *Life of Cicero*, “ that the Greek Historians were to be
 “ read with some caution, in their accounts of
 “ Roman affairs; as being strangers to the lan-
 “ guage and customs of Rome; and on that ac-
 “ count liable to many mistakes, and subject to
 “ many prejudices: that Plutarch in particular
 “ was not sufficiently qualified for a compiler of

[1] Tunst. Ep. p. 197.

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“ *a Roman History*, for the want of a competent
 “ skill in the Latin tongue ; but if he had pos-
 “ sessed all the talents requisite to that character,
 “ yet the attempt of writing *the lives of all the*
 “ *illustrious Greeks and Romans*, was above the
 “ strength of any single man, of what abilities
 “ and leisure soever ; much more of one, who,
 “ as he himself tells us, *was perpetually engaged*
 “ *in public business, and in giving lectures of Phi-*
 “ *losophy to the great men of Rome* : that his
 “ Lives therefore must needs be imperfect and
 “ superficial ; and the sketch rather than the
 “ completion of a great design : for the truth
 “ of which I appealed to his *Life of Cicero* ; in
 “ which, besides the numerous mistakes that
 “ have been charged upon it by the learned,
 “ we see all the imaginable marks of negligence,
 “ inaccuracy, and want of due information [1].”

After the publication of that work, I was informed, that an ingenious member of the French Academy, *M. Secousse*, had given the same judgement on *Plutarch* before me, and for the same reasons ; which he had exemplified by many instances from the lives of *Camillus*, *Lucullus*, and *Pompey* : where, among other mistakes, he had taken notice of one or two, which seemed to be derived from the equivocal sense of the *Latin word* and *Plutarch's* imperfect knowledge of it [2].

[1] See Pref. to the Life
 of Cic. p. 24.

Royal des Inscript. Tom.v.
 p. 169, &c.

[2] Hist. de L'Academ.

But

But the most decisive testimony in the case, is that of *Plutarch* himself, who confesses the very fact, that I affirm, in *the Life of Alexander*, which he begins with these words:

“ As I am drawing up in this volume *the*
 “ *Lives of Alexander and of Cæsar*, so I shall pre-
 “ mise nothing more, on account of the num-
 “ ber of their great actions, but onely entreat
 “ the reader, not to cavil or find fault with me,
 “ if I do not describe all their celebrated acts,
 “ nor even the particular ones, with any exact-
 “ nesses; but cut short the greatest part of them;
 “ since I do not pretend to write *histories*, but
 “ *lives*. Nor does the illustration of men’s vir-
 “ tues or vices depend always on their most
 “ conspicuous acts; but a little fact, or saying,
 “ or jest has often given a clearer discovery of
 “ their real temper and manners, than their most
 “ bloody battles, most famous engagements and
 “ sieges. As Painters therefore draw the like-
 “ nesses of persons from the features of the face
 “ and countenance, by which their manners are
 “ chiefly discerned, and pay very little regard
 “ to the other parts of the body; so it must be
 “ allowed likewise to me, to attend principally
 “ to the indications of the mind; and from these
 “ to form the picture of each man’s life, leav-
 “ ing their great actions and atchievements to be
 “ described by others.”

This was the maxim that *Plutarch* constantly pursued; and which makes him so full every where of *the apophthegms* and *jest*s of his he-

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roes [1]; overlooking at the same time their most celebrated actions; or treating them at least in a slight and summary way; and, as he himself professes, without any kind of accuracy: of which there are infinite examples in all those lives. I shall trouble the reader with one or two which relate to our present subject, and are drawn from the same page, whence our Critic has borrowed one of his *notable* testimonies, which have given him this occasion to insist upon the accuracy, and authority of *Plutarch*; who, in his *Life of Cicero*, after an account of *Cicero's* return to *Rome*, from his intended voyage to *Greece*, and of the open quarrel, which then first broke out between him and *Antony*, goes on to say:

“ From this time, whenever they met, they
 “ passed by each other, without any mark of
 “ respect, and kept themselves upon their
 “ guard: till young *Octavius*, arriving from
 “ *Apollonia*, took possession of the inheritance of
 “ his uncle *Cæsar*, and entered into a controversy
 “ with *Antony*, about 2500 myriads, which he
 “ detained of that estate. Upon which *Phi-*
 “ *lippus*, who had married his mother, and
 “ *Marcellus*, who married his sister, bringing
 “ the young man with them to *Cicero*, made

[1] In the *Life of Cato the Elder*, “ I will relate, says “ of men are discovered.
 “ he, a few of his sayings, “ much more easily by their
 “ that are still remembered; “ words, than by their coun-
 “ as being one of those, who “ tenances, &c.” p. 340.

“ an agreement with him ; that *Cicero* should
 “ assist *Octavius* with all the power of his elo-
 “ quence and civil authority, both in the Se-
 “ nate and with the people ; and that *Octavius*
 “ should afford *Cicero* the support of his money
 “ and troops : for the youth had already gather-
 “ ed about him a great number of veterans,
 “ who had served under *Cæsar* ; and *Cicero*
 “ seemed very willing to embrace his friend-
 “ ship [1].”

Now in this summary account of the most considerable and critical passages in *Cicero's* life, we see all the proofs of negligence and inaccuracy, that a writer could possibly give, within so small a compass. For in opening the grounds of *Cicero's* breach with *Antony*, he says not a syllable of *Cicero's* first *Philippic*, which was spoken at that very time, and was the foundation of that breach. Then he makes *Octavius's* arrival from *Apollonia* to happen after *Cicero's* rupture with *Antony*, which was in the beginning of *September* ; whereas we know from the letters to *Atticus*, that *Octavius* arrived at *Naples*, on the 18th of *April* ; went the next morning to the Villa of his Father *Philippus* ; whence he was introduced presently to *Cicero*, in his *Cuman Villa*, adjoining to that of *Philippus* ; where *Balbus*, *Hirtius*, and *Pansa* were with *Cicero* [2] : and though from this first interview, *Octavius* paid all imaginable court to

[1] Plut. in Cicer. p. 883. [2] Ep. ad Att. xiv. 10, 11.

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Cicero, and solicited him afterwards by letters and messages, to take his affairs under his protection; yet *Cicero* constantly declined it, and would not enter into any agreement with him, till the *November* following; when it was brought about at last by the mediation of *Oppius* [1]. Yet all this, which was the work of seven months, *Plutarch* represents, as concluded at their first meeting, and at *Rome*, and by the interposition of *Philippus* and *Marcellus*.

The same page affords still a more glaring proof of *Plutarch's* negligent manner of huddling over the great events of history. For, after the passage cited above, relating to *Brutus's* reproof of *Cicero*, in his letter to *Atticus*, he says; “yet
“ for all this, *Brutus* finding *Cicero's* son at *A-*
“ *thens*, gave him a command in his troops, and
“ by his services gained many advantages a-
“ gainst the enemy; and *Cicero's* power at that
“ time was at it's greatest height in the city;
“ where he did whatever he pleased; raised
“ up a party against *Antony*, and drove him out
“ of *Rome*; sent away the two Consuls, *Hirtius*
“ and *Pansa*, to make war upon him; per-
“ suaded the Senate to decree to *Octavius*, the
“ rank and ensigns of a *Prætor*, as having taken
“ up arms in the defence of his country: but
“ when *Antony* was beaten, and the two Consuls
“ killed in the battle, then all their forces went
“ over to *Octavius*, &c. [2].”

[1] Ep. ad Att. l. xvi. 15. [2] Plut. in Cicer. 883.

Here again we see the transactions of many months, the most important, not onely in *Cicero's* life, but in *the whole Roman history*, in which *Cicero* made the most shining figure, and spoke all his *Philippic* orations, huddled over within the compass of a few lines; without any regard to time, or order, just as *Plutarch* happened to think of them; and in the manner, that we might expect from his own account of the design and method which he pursued in that work.

These testimonies, I am persuaded, will justify the judgement, that I have given of *Plutarch*, as a *Roman Historian*; which instead of flowing from any *contempt* of him, with which our Critic unjustly charges me [1], is nothing more in effect, than what he himself has declared; and what every one, who reads him without the prepossession of an Hypothesis, will necessarily observe from innumerable facts and instances.

I cannot however quit this fruitful page, without adding one remark more, not upon *Plutarch's* negligence, but our *Critic's*; to say no worse of it; who affirms, that *the two Epistles of Brutus, to which Plutarch refers, were written before Brutus left Italy; for this, says he, is not onely manifest from the context, but Plutarch himself expressly declares it* [2]. Yet in the account al-

[1] *Mirror to Plutarche,* tur, scriptæ sunt, dum *Br-*
quem tamen contemnis. *tus* adhuc in Italia consiste-
Tunst. Ep. p. 30. bat. Id ex historia contextu

[2] *Nimirum Epistolæ,* manifestum est; sed & idem
de quibus *Plutarchus* loqui- diserte dicit. Ibid. p. 196.

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ready given of one of those Epistles, *Plutarch*, as we have seen, says not a syllable about the time of it; and the context is so far from shewing it to be written, while *Brutus* was in *Italy*, that, from the facts and circumstances annexed, it clearly shows the contrary; that it was written, when *Brutus* was employing *Cicero's* son in the command of his troops in *Macedonia*; while *Cicero* himself was in the height of his power at *Rome*; after he had driven away *Antony*; sent the two Consuls after him; and decreed the *Prætorian* ensigns to *Octavius*: all which did not happen, till many months after *Brutus* had quitted *Italy*. Nor is our Critic's assertion true, with regard to the other letter; for though the context seems to imply, that it was written by *Brutus* in *Italy*; yet *Plutarch* says nothing directly about the time of it. Should we allow then all the weight, that can be given to these two notable testimonies; should we grant them to be both accurate and decisive; yet they amount to no more than this; that, as far as we may guess from the context, one of the letters was written in *Italy*; the other in *Macedonia*; yet in neither case, though our Critic affirms it of both, does *Plutarch* say expressly, either when, or where they were written. He calls the Epistle indeed to *Cicero*, *Brutus's* first Epistle; though it was certainly later than the other to *Atticus*; but that they were both written from *Macedonia*, is demonstrably evident, as I shall shew by and by; though *Plutarch*, according

to his usual negligence, and as far as his authority reaches, has made both the place, and the time of them uncertain.

But though *Plutarch's* authority be of little force in this question, I have another authority to combat, on which our Critic perhaps may lay a greater stress; that is, his own: for he declares it to be *his absolute opinion, that the two original letters, which Plutarch had seen, were written before Brutus left Italy* [1]: because, there were substantial reasons before that time, for suspecting *Octavius*; and for censuring *Cicero's* inconsiderate rashness, in making him so great [2].

It is surprising that a man, who has made any study of *the Epistles to Atticus*, can declare such an opinion, which is directly confuted by a series of those very Epistles. But the foundation of his Hypothesis must be destroyed, if this point cannot be made good, that *the original letters between Cicero and Brutus* were written at a different time, from *the letters now extant*; and all regard to facts, and to *Cicero's* character must be sacrificed to the support of this favorite Hypothesis. But a few extracts from the letters themselves will clear up the matter, and let the

[1] Atque hoc quidem Ep. p. 200.
tempore ipso, *Brutum*, insignes illas Epistolas, & ad *Atticum* & ad *Ciceronem*, de quibus *Plutarchus* narrat, scripsisse, omnino existimo. Tanst.

[2] Inconsultam in *Octavio* augendo *Ciceronis* temeritatem, justissimasque adeo *Bruti* objurgationes. Ibid. 197.

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reader see with what judgement, as well as modesty, he so freely and frequently charges *Cicero*, with an *inconsiderate rashness*, and *marvellous eagerness*, in espousing the interests of *Octavius*, from the first moment of his landing at *Naples* [1].

In the first letter, in which *Cicero* mentions *Octavius*, he says; “*Octavius* arrived at *Naples* “on the 18th of April; whither *Balbus* went “to him early the next morning, and came “back the same day to me, in my *Cuman villa*; “and brings word, that he will assert his right “of succession to his uncle. But this, as you “write, will make a rare dispute between him “and *Antony* [2].”

In the second; “*Balbus*, *Hirtius*, and *Pansa* “are here with me: *Octavius* is just arrived, “and into the neighbouring villa of his Father “*Philippus*; intirely at my devotion [3].”

In the third, dated April the 22d; “*Octavius*, “who is still with us, treats me with the greatest “respect and friendship; his domestics give him “the name of *Cæsar*; *Philippus* does not; nor “for that reason do I. I think it impossible for “him to make a good Citizen; there are so “many about him, who threaten the death of “our friends, and declare, that what they have “done, cannot be forgiven. What will be the “case, think you, when the boy comes to *Rome*,

[1] Et sane ex quo *Octavius Neapolim* primus venit, *Cicero* juvenis amplectendi mira cupiditate ferebatur, &

ut *Plutarchus* dicit, τὰ τῷ Καίσαρι ἰσαρτί. Ib. p. 199.

[2] Ep. ad Att. xiv. 10.

[3] Ibid. 11.

“ where

“ where our deliverers cannot appear with safety? Who yet must ever be famous, nay happy too, in the consciousness of their act; but as for us, if I be not deceived, we shall be undone. I long therefore to go abroad, where I may hear no more of these *Pelopidae*, &c. [1].”

This is all that passed between *Cicero* and *Octavius* while he continued in the country, at his Father *Philippus's* villa. But he soon went to *Rome*, to pursue his claim to *Cæsar's* estate, as his heir and adopted son: and to entertain the people with shews and plays, which *Cæsar* himself had promised, and prepared to give in his life time, upon the completion of all his victories: At *Rome*, *Octavius* made a speech to the people from the *Rostra*; where he seems to have been produced by *Antony's* Brother, *Lucius*, one of the Tribuns [2]. This speech was sent to *Cicero*, who says, *that he had the same opinion of it with Atticus*; which was no advantageous one; since, in the same letter, he declares himself displeased with *Octavius's* shews, and with his friends *Matius*, and *Postumius*, for undertaking the care of them [3]: and in another letter, applauds the Tribuns, for ordering *Cæsar's* golden chair to be removed out of the Theatre, where *Octavius* seems to have placed it; and the Knights also, for expressing their approbation of that

[1] Ep. ad Att. xiv. 12.

[2] Ibid. 20.

[3] De *Octavii* concione idem sentio, quod tu, & Ma-

tius & *Postumius* mihi procuratores non placent. Ad

Att. xv. 2. *in quo* [3]

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act, by some general clap [1]. This happened about the middle of May; and towards the end of it, while *Antony* and *Octavius* were quarrelling at *Rome*, about the possession of *Cæsar's* estate, *Cicero* writing again to *Atticus*, says;

“*Octavianus*, as I clearly saw, has parts
“and courage enough; and seems likely to be
“affected, as we could wish, towards our He-
“roes: but how far we may trust his age,
“name, succession, education, is a matter of
“great deliberation. His Father-in-law, whom
“I saw at *Astura*, thinks, not at all. He must
“be cherished however, if for nothing else, yet
“to keep him at a distance from *Antony*. *Mar-*
“*cellus* acts nobly, if he instills into him a good
“disposition towards our friends. He seemed
“to be much influenced by him; but to have
“no confidence in *Pansa* and *Hirtius*: his natu-
“ral temper is good, if it does but hold [2].”

Now this is the whole, that *Cicero* either transacted, or declared, or thought of *Octavius*, before *Brutus* left *Italy*, as it manifestly appears from the letters to *Atticus*: which is so far from shewing that *inconsiderate rashness*, and *marvellous eagerness*, with which our Critic charges him, that it shews just the contrary; the utmost caution and reserve; and such a distrust of *Octavius*, as neither the greatest civilities on

[1] *De Sella Cæsaris bene Tribuni, præclarior etiam xiv. ordine. Ibid. 3.*

[2] *Ep. ad Attic. xv. 12.*

Octavius's part, nor the good opinion which *Cicero* had conceived of his capacity could over-rule.

Nor had *Cicero* indeed as yet broken all measures with *Antony*; for though he strongly disliked and suspected his proceedings, yet for several prudential reasons, he chose to keep up a shew of friendship and fair correspondence with him; and had undertaken at this very time, to solicit him in person on the behalf of *Atticus*, in an affair, which *Atticus* had much at heart [1]. *Antony* likewise observed the same forms of civility on his part; and wrote in very complaisant terms to *Cicero*, to desire his consent to the restoration of *S. Clodius* from exile [2]: and upon some alarm, given afterwards to the friends of liberty, on the account of a division of lands in *Italy* to *Antony's* Soldiers, *Antony's* Brother, *Lucius*, wrote particularly to *Cicero*, to free him from any apprehensions on that head [3].

Cicero however was so little pleased, either with *Antony* or *Octavius*, or with any thing indeed, that was now going forward in *Italy*, that, instead of any eagerness to embrace *Octavius* at this time, he took a resolution of making a voyage to *Greece*, and of residing with his Son at *Athens*, till *Hirtius* and *Pansa* should enter

[1] De Buthortio negotio. [2] Ep. ad Att. xiv. 13.
utinam quidem *Antonius* con- [3] L. quidem *Antonius*
veniam: multum quidem liberaliter litteris sine cura
proficiam. Ad Att. xiv. 17. me esset jubet. lb. xv. 12.
it. xv. 1, 2.

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upon the Consulship on the first day of the next year; on whose administration he had now placed all his hopes. In the beginning therefore of *July*, he set forward upon this voyage, and pursued it as far as *Sicily*; but being driven back by contrary winds to *Rhegium*, and meeting there with some fresh intelligence from *Rome*, of an unexpected turn of affairs, and a change of disposition in *Antony* to measures of peace, and submission to the Senate, he dropt all farther thoughts of the voyage, and turned back towards *Rome*, to assist with his authority in bringing about so desirable an end. But upon his arrival there, finding his hopes frustrated, and that *Antony* was aiming at nothing less than a Tyranny, and the Subversion of the Republic, he spoke his first *Philippic*, on the 2d of September, which gave the beginning to that inexpiable quarrel, which soon after ensued between him and *Antony* [1].

Brutus in the mean while left *Italy*; and could have no reason therefore before his departure, to blame *Cicero*, on the account of *Octavius*; since at that time, *Cicero* had not taken any step in favor of him, nor, in all probability, had so much as seen him, from the time of their first interview: and as *Brutus* had no reason to complain of *Cicero*, during his stay in *Italy*, so it is evident from the same letters to *Atticus*, that in fact, he did not complain of him, either on the

[1] See the life of Cicero, vol. ii. p. 309—315, &c.

account of *Octavius*, or any other account whatsoever. For during this interval, from the arrival of *Octavius*, to the departure of *Brutus*, there was a continual exchange of letters and messages between *Cicero* and *Brutus*, of which frequent mention is made in the Epistles to *Atticus* [1]. In one of which Epistles, *I am glad*, says *Cicero*, *that my letters to Brutus and Cassius were agreeable to them* [2]: and in another; *Oh! how affectionate was Brutus's letter to me* [3]? Whence we may collect, that *Brutus*, who used generally to be rough and haughty in his letters, was now particularly complaisant, from a just sense of *Cicero's* zeal and services to him. Nay, he appears to have been so cautious at this time of offending *Cicero* in any degree, that though he strongly disliked his *voyage to Greece*, yet he resolved to be silent on that subject, and would not drop a syllable, either to discourage or dissuade it, from an unwillingness to press him, to any thing disagreeable [4].

But besides a constant intercourse of letters, they had many personal conferences within the same interval, and chiefly at *Brutus's* desire; which all passed with the greatest affection and

[1] Epist. ad Att. l. xiv. 18, 19, 20. l. xv. 1, 4, 5, 10, 23, 26, 29, &c.

[2] Gratas fuisse meas litteras *Bruto* & *Cassio* gaudeo, itaque iis rescripsi. Ad Att. xiv. 20.

[3] O *Bruti* amanter scriptas litteras! Ibid. xv. 10.

[4] *Brutus*—effudit illa omnia, quæ tacuerat; ut recorder illud tuum; nam *Brutus noster* fileat. Ib. xvi. 7.

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harmony. *Cicero* saw him at *Lanuvium* [1]; again at *Antium* [2]; afterwards in *Nesís*, a little Isle on the Campanian coast, where he conversed with him many days successively [3]; and lastly at *Velia*, as he came back from his *Grecian* voyage: where *Brutus* no sooner heard of his arrival, than he came three miles on foot to embrace him; expressed the utmost joy at his return; and told him in the kindest manner, what he did not care to mention to him before, that by dropping the pursuit of the voyage he had escaped two imputations on his character; the one, of too hasty a despair and desertion of the common cause; the other, of the vanity of going to see the Olympic games [4]: but in none of these conferences, was there the least hint of any expostulation, or ill humor, with regard to *Octavius*.

The interview at *Velia* was the last which *Cicero* ever had with *Brutus*, on the 17th of August [5]: when he left him prepared and ready to sail with his fleet towards *Greece*; as he undoubtedly did within a few days after. For he had already staid longer, than his friends thought adviseable; waiting still to see, whether chance might not produce something in his favor at *Rome*; especially upon the occasion of the shows, which he had lately exhibited there, with the universal applause of the people [6].

[1] Ad Att. xv. 20.

[2] Ib. xv. 11.

[3] Ib. xvi. 1, 2, 4, 5.

[4] Ib. xvi 7.

[5] Nam xvi Kal. Sept. cum venissem *Veliam*. Ibid.

[6] Illud mihi submolestum

Now this is the whole state of *Cicero's* conduct towards *Octavius*, during the time of *Brutus's* stay in Italy. As to what passed afterwards, since it does not relate to our present argument, I shall refer the reader to my *Life of Cicero*; where he will find, that, notwithstanding the most pressing instances of *Octavius*, by daily letters and messages, to engage *Cicero* to assist him against their common enemy, *Antony*; yet *Cicero* still held off, and expressed the same diffidence as before, till the exigencies of the Republic, and the immediate ruin threatened to it by *Antony*, made their union necessary. To which *Cicero* would not consent even at the last, but upon the express condition, that *Octavius* should engage himself to be a friend to *Brutus* and his accomplices; and as a proof of his sincerity, should suffer *Casca*, who gave the first blow to *Cæsar*, to enter quietly into the *Tribunate*, to which he had been nominated by *Cæsar* [1]; which *Octavius* readily a-

quod parum *Brutus* prope-
rare videtur. Primum con-
fectorum ludorum nuncios
expectat. Ibid. xvi. 4.

Existimabam *μὴ σωπῆτα* εἶ-
σε; & hercule erat; & max-
ime de ludis. At mihi, cum
ad villam rediissem, *Cn. Luc-
ceius*, qui multum utitur *Bruto*,
narravit, illum valde morari
non tergiversantem, sed ex-
pectantem, si qui forte casus.
Ibid. xvi. 5.

[1] Sed, ut scribis, certif-
simum esse video discrimen,
Cascae nostri *Tribunatum*.
De quo quidem ipso dixi *Op-
pio*, cum me hortaretur, ut
adulescentem, totamque caus-
sam, manumque veteranorum
complecterer, me nullo modo
facere posse, ni mihi explo-
ratum esset, eum non modo
non inimicum *Tyrannoctonis*,
verum etiam amicum fore.
Cum ille diceret, ita futurum.

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greed to, and permitted accordingly, on *the 10th of December*: and in consequence of that agreement, *Cicero*, on *the 19th* of the same month, first recommended him to the Senate, and to the people, in a distinct speech to each [1]; and on *the first of January*, procured a decree, to invest him with the legal command of his troops; together with the rank and ensigns of a Prætor [2]. These were the first public measures, that *Cicero* entered into with relation to *Octavius*; and the foundation of what *Brutus* took occasion to reproach him with many months after. For, as I have shewn in the Life of *Cicero*, he never began to complain of him, till after *Antony's* defeat at *Modena*, and the death of the two Consuls; which was an accident, that *Cicero* could neither foresee nor provide for; and was the sole reason of throwing all that power into *Octavius's* hands, by which he was enabled to destroy the Republic [3]. And this fact is not only declared in these suspected letters, but is intimated likewise in the letters, which *Plutarch* had seen, and in one of the very passages, which our Critic has produced; as he might easily have observed, if he had come to it without prejudice:

Quid igitur festinamus? inquam. Illi enim mea opera ante Kalendas Januarias nihil opus est. Nos autem ejus voluntatem ante Idus Decemb. perspiciemus in Cassa. Mihi valde assensus est.

Ad Att. xvi. 15.

[1] These were his 3d and 4th *Philippic* Orations.

[2] See his 5th *Philippic*.

[3] See the Life of *Cicero*, vol. ii. p. 432.

for

for *Brutus*, in his reproof of *Cicero*, plainly supposes, that *Cicero* had already got the better of *Antony*, and dispossessed him of his Tyranny, yet, by his management, was raising up *Octavius* into his place, and making him the Tyrant in *Antony's* stead [1].

But if this hint be not sufficient to satisfy our Critic, I can give him another from the same *Plutarch*, and the same Life of *Brutus*, which is a clear comment upon it, and marks out the precise time, when *Brutus* first conceived his apprehensions of *Octavius's* power, and began consequently to expostulate with *Cicero*, by whose help he had been advanced to it. For *Plutarch*, after a brief detail of *Brutus's* success and exploits in *Macedonia*, tells us, “ that when he “ was preparing to go from thence into *Asia*, “ he received the news of the change of their “ affairs at *Rome* : where young *Octavius*, who “ had hitherto been cherished and supported by “ the Senate in opposition to *Antony*, having “ now driven *Antony* out of *Italy*, was become “ formidable himself. For he laid claim to the “ Consulship, in defiance of the laws; and “ kept about him great armies, which the “ City did not want [2].” Thus I have shewn, in contradiction to our Critic's declared persuasion, and by that very authority, on which he lays so great a stress, that *Brutus's* real letters, as

[1] Τὸν δὲ Ἀιλιόσιον ἐκβαλεῖν τῆς τυραννίδος μίσθον αἰεὶ, τὸν Κάισαρα καλεσῆσαι τύραννον. Plut. in Brut. p. 994.

[2] Plut. in Brut. p. 996.

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it is expressly delivered in *these suspected ones*, were written from *Macedonia*, some time after the battle of *Modena*; and many months after *Brutus* himself had left *Italy*.

I cannot dismiss this argument, without taking notice of a censure, that our Critic here throws out, upon the use of a testimony, which I had produced, to shew *Cicero's* strong suspicions of *Octavius*, even after *Brutus's* departure out of *Italy*. It is taken from a letter to *Atticus*, where *Cicero* says; as to what you wrote, *I warmly assent to you, that if ever Octavianus acquires any great power, the Tyrant's acts will be more strongly enforced, than they were in the Temple of Tellus; and that will be all against Brutus, &c* [1]. Now can any opinion be more explicitly declared, than this is declared here to be *Cicero's*? But *Atticus*, it seems, had signified it before to be his; and if twenty people had signified the same, it would be *Cicero's* no less, for all that; whose opinion was the only one, that had any relation to my subject. Yet our Critic plainly charges me, with a misapplication of this testimony, in ascribing a sentiment to *Cicero*, which really belonged to *Atticus* [2]: and it is by such quibbles as these, that he attempts most commonly

[1] Valde tibi assentior, *Brutum fore*. Ad Att. xvi. 14. si multum possit *Octavianus*, [2] Nuperrime ita scripsit *Atticus*, quæ tamen *Cicero* comprobaturum iri, quam in *romi* attribuis. Tunst. Epist. Telluris. Atque id contra p. 198.

through

through his whole Epistle, to combat clear facts and direct proofs.

He proceeds next, to the examination of the Epistles themselves, and begins with *Brutus's* Epistle to *Atticus*, which he allows *really to be a fine one* [1]: but after a small cavil or two by way of prelude, he discovers in it two contradictions to true history; the first is this; that *Cicero* is there accused of *ensuring the act of killing Cæsar, and of reproaching Casca for it, as an assassin*: whereas the genuin *Cicero* constantly applauded that act, and had a particular friendship likewise with *Casca* [2]. But of this I have given some account already in the *Life of Cicero*; and shall add something more in my notes on the Epistle itself; to which therefore I must refer the reader [3].

The second contradiction is grounded on a hint, that *Brutus* drops in the end of the letter, concerning *certain conditions* offered to *Atticus's* daughter, which he interprets, with *Manutius*, of the conditions of a marriage; and then declares, that *Attica* was but seven years old at this time [4], and could not therefore be ripe for marriage; being born, he says, when *Cicero* was *Proconsul of Cilicia*, whence he congratulated *Atticus* by letter

[1] Venio ad Epistolas, p. 487. Not. and Let. xv. atque ad illam imprimis ad Not. 3.

Atticum sane bellulam. Tunst. [4] Sed hoc tempore *Attica* ætatis annum septimum paucis mensibus excesserat; nam,

Epist. p. 200. See Lett. 15.

[2] Ibid. 201, 202.

[3] See *Life of Cic.* v. ii.

&c. Tunst. Ep. p. 203.

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upon that birth, in the following words; *Filiolam tuam tibi jam Romæ jucundam esse gaudea; eamque, quam nunquam vidi, tamen & amo, & amabilem esse certo scio* [1]: which I translate thus; *I am glad, that your little daughter is so good company to you now at Rome; and though I never saw her, yet I love her, and am very sure, that she is lovely.* In which words, though our Critic discovers the clear proof of a birth, and a congratulation upon it, yet I cannot see the least tittle of either; or the least probability, that they can admit any such interpretation.

Atticus had been married above five years [2]; and it is not credible, that *Cicero*, who was at his wedding, and particularly interested in every thing, that related to him, should pay so cold a compliment upon so joyful an occasion, as the birth of a first child, after five years of marriage. The case therefore was this, that the daughter, who was now probably four years old, had been nursed all that while in the country, for the greater care of her health, at a distance from *Rome*, whither she had been lately brought for the first time; which gave occasion to this little compliment: or otherwise why should *her being at Rome* be taken notice of; as if to be born there was of any consequence, or a circumstance worth mentioning in a congratulation of that sort? And this interpretation

[1] Ad Att. v. 19. Tunst. Ep. 203.

[2] See Life of Cic. vol. i. p. 450.

seems

seems to be demonstrably confirmed by another letter, written a short time after, from the same Province of *Cilicia*; in which *Cicero* says; *your little daughter is very obliging, in giving you so strict a charge to pay her compliments to me* [1]. Which cannot be understood of a child, who was but *five months* old; yet so it must be understood, if our Critic's account be admitted, of the time of her birth.

I could produce more testimonies to the same purpose and from the same letters, if this was not sufficient to shew his objection to be wholly groundless. But from the frequent discoveries of this sort, with which he entertains us from the letters to *Atticus*, we may see, with what reason he insults me, for contenting myself with *the obvious and common sense of them*, instead of searching always, like him, for *something exquisite and refined* [2].

As to the other Epistle of *Brutus* to *Cicero*, our Critic, after giving it the finest character, that can be given an Epistle, both for the art of *it's composition and gravity of it's sentiments* [3], leaves it to us just as he found it, without any other reflexion than that it contains nothing

[1] Filiola tua gratum pectavi, communia tamen in mihi fecit, quod tibi diligenter mandavit, ut mihi salutem ascriberes, &c. Ad Att. vii. 1. p. 591.

[2] Hic a te, viro ingenioso, exquisitiora quædam ex-
[3] Jam illa altera Epistola omnes alias & compositionis artificio, & sententiarum gravitate exsuperat, &c. Ib p. 203. Epist. xxii. his-

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historical. Since this then is so perfect a piece, and so worthy consequently of it's author, that he can neither find, nor invent an objection to it, we must necessarily claim it as genuin, whatever may become of the rest. For an immemorial possession, which no body controverts, will surely give us a right to hold this fine Epistle at least, as an unquestionable monument of pure antiquity.

He proceeds to *Cicero's* celebrated letter, or apology for himself in answer to *Brutus*; where after some trifling exceptions to the character given of *Messala*, in which he discovers *the operose diligence of the Sophist*, he starts an objection of more weight, as he calls it [1], because *the suspected Cicero* here praises *Messala*, for having studied and acquired *the best manner of speaking*; whereas there had been a dispute, he tells us, between *the true Cicero and Brutus*, about *that best manner, which the Sophist must needs have been ignorant of, or he would never have touched upon that topic*. It is hard to conceive, what it is that he means by this objection; or what weight he can suppose it to have, towards overthrowing the credit of the letter. If he imagines, that *Brutus* would have been affronted by *Cicero's* mention of *the best manner*, because they had each a different idea of it; or that he would have thought the worse of *Messala*, for

[1] Quis hic non videt operosam Sophistæ diligentiam? quod autem majus est,

&c. Tunst. Ep. cciv. See Lett. xxi.

studying

studying that manner, which *Cicero* recommended; he judges very weakly of those great men: for notwithstanding their different notions of the *most perfect eloquence, or manner of speaking*, *Brutus* certainly allowed *Cicero* to be the best Speaker of his age: and it was at his desire, and for his information, that *Cicero* drew up those Oratorical pieces, in which he illustrates his own idea of the most perfect way of speaking, and lays down rules for the attainment of it: as this then is a cavil of no force or sense, I shall drop it where I found it, and pass on to the rest.

He next observes, that this letter supposes *M. Brutus to be the author of saving Antony's life, when Cæsar was killed*; which he declares to be contrary to true history, since *Decimus Brutus*, as he undertakes to prove, was *the sole adviser of that step*: and to make us sensible, what an extraordinary exploit he is going to perform; by correcting an inveterate error of all the old Historians; he first produces two *famous testimonies*, as he calls them, from *Plutarch* and *Appian*, which expressly ascribe that counsel to *M. Brutus* [1]: upon which he declares, with his usual gayety, *that it could not be expected from the Sophist, that he should be wiser, than the Historians, who led him into that mistake* [2].

[1] Insignia in hanc sententiam sunt verba Plutarchi — in Brut. 992. it. in Anton. 921. & Appian. p. 499. ibid. 206. in Notis.

[2] A Cicerone nimirum personato requirendum non erat, ut plus iis, quos sequeretur Historicis, saperet. Tunst. Ep. p. 206.

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This is a strange turn indeed! the Sophist must be excused, and the whole blame thrown upon *Plutarch*: and after he has been fighting so strenuously for *Plutarch's* authority, yet now, when he has no occasion for it, he treats it, we see, as a mere *ignis fatuus*, that serves onely to lead people out of the way.

He promises however to make good this point, by the testimony of *Cicero* himself; and for that purpose alledges two passages from the letters to *Atticus*; where *Cicero* complaining of the misery of the times, after *Cæsar's* death, and how much they endured, and were like to endure from *Antony*, says, *the fault of all this lies upon one of the Brutus's* [1]. And in another letter, *the whole blame of this belongs to Brutus* [2]. Thus far then we are agreed; that from the evidence of these passages, the blame must certainly rest upon *one of the Brutus's*: but before we go farther, let us pause a while, and consider, on which side the probability lies.

In the first place, wherever *Cicero*, in his letters to *Atticus*, mentions *Brutus* absolutely, or without a prænomén, we may take it for granted, that he means *Marcus*; since there is not, I believe, a single instance to the contrary, except where *Decimus* is so marked out by the context, that we cannot possibly mistake him; and in the second testimony, it is manifest, that

[1] Ad Att. l. xv. 12. [2] Ib. 20. Hæc omnis culpa Bruti.

he could not mean any body but *Marcus*; for within a line or two after, speaking still of *the same Brutus*, he declares him to be leaving *Italy* quickly [1]; which determines it to *Marcus*. Besides, if we reflect on the different characters of *the two Brutus's*, we should be apt to conclude at once, that it must needs be *Marcus*, whose authority was able to bring over *Cassius*, and sixty more brave men to his single opinion. But if *Cicero* had onely left the thing indifferent, and in common; yet *Plutarch's* positive and repeated testimony, confirmed not onely by *Appian*, but by a better Author than them both, *Paterculus*, who had long before affirmed the same thing of *Marcus* [2], would naturally make us look upon the fact as certain, and the question decided. Yet all this signifies nothing to our Critic, who procedes boldly, by a third testimony, to fix the whole blame at last upon *Decimus*.

This third testimony is drawn from another letter to *Atticus*; where *Cicero*, giving an account of the conference which he had at *Antium*, with *Brutus* and *Cassius*, concerning the measures, which they ought to pursue, says; that after much discourse on that subject, the company

- [1] Properemus igitur. (quem cum simul interimendum censuisset *Cassius*) — *Brutus* repugnauerat; distitans, nihil amplius civibus præter Tyranni — petendum esse sanguinem. l. ii. 58.
- [2] Cum Consul *Antonius*

began

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began to lament their past mistakes, and Cassius above all, warmly complained, that they had lost their opportunities, and blamed Decimus severely on that account [1]. Now our Critic, who never loses sight of his Hypothesis, declares this loss of opportunities, charged upon Decimus, to mean nothing else, but the omission of killing Antony [2]; and this is his constant way of supporting his discoveries; by multiplying conjectures, instead of testimonies, and proving one Hypothesis by another. For there were many other opportunities, which they lost, after Caesar's death, that Cicero pressed them to lay hold of, and for the omission of which he frequently reproved them: that they did not summon the Senate into the Capitol, on that first day; and during the consternation of their enemies, seize the whole Republic into their hands; and procede to some vigorous decrees for the establishment of the public liberty [3]. And when by the neglect of that advice they were driven soon after out of Rome; they lost the opportunity of retrieving their first error, by resolving to live quiet and retired, so as to give no pretext for war; dis-

[1] Multo inde sermone querebantur, atque id quidem Cassius maxime, amissas occasiones; Decimumque graviter accusabat. Ad Att. xv. 11.

[2] Tanst. Ep. p. 207.

[3] Meministi me clamare, illo ipso primo die Ca-

pitolino, Senatam, in Capitolium a Prætoribus vocari? Dii immortales, quæ tum opera effici potuerunt, letantibus omnibus bonis—fractis latronibus?—Ad Att. xiv. 10.

Illam Sessionem Capitolinam mihi non placuisse, tu testis es, &c. Ib. 14.

missing the concourse of their friends, who flocked about them, and rejecting the assistance of all *Italy*, which was eager to arm itself in their cause.

These were the lost opportunities which *Cassius* lamented, and charged to the account of *Decimus*: who, when *Brutus* and *Cassius* had withdrawn themselves from *Rome*, on account of the tumults, occasioned by *Cæsar's funeral*, continued still privately in the City, to negotiate with *Antony*, by the mediation of *Hirtius*, some measures for their common safety. Whence he acquaints them with what he had been transacting, in the following letter; which I have chosen to insert, as it gives some light, not onely to the present question, but to others also, which may fall in our way, in the progress of this dispute.

D. Brutus to Brutus and Cassius.

“ Observe what a situation we are now in.
 “ Yesterday in the evening, *Hirtius* was with
 “ me and plainly told me, in what a disposition
 “ *Antony* was; namely, the worst and most
 “ treacherous: for he said, that he could nei-
 “ ther grant me the Province; nor believed,
 “ that any of us could be safe in *Rome*, where
 “ the soldiers and the populace where so much
 “ irritated against us: both which, I imagine,
 “ you perceive to be false; as well as that it is
 “ true, what *Hirtius* declared; that he is afraid,
 VOL. IV. Z “ left

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“ left, if we should acquire any little accession
 “ of dignity, no share of the public adminis-
 “ tration would be left for any of them. Un-
 “ der these difficulties I thought it best, to de-
 “ mand an honorary legation for myself, and
 “ the rest of our friends; that we might have
 “ a decent pretext for going abroad. This he
 “ undertook to procure: but I am confident,
 “ he will not be able to procure it; such is the
 “ insolence of people, and such their malice
 “ towards us: and should they grant us even
 “ what we ask, I am yet of opinion, that, pre-
 “ sently after, we should either be declared to
 “ be enemies, or interdicted from water and
 “ fire. What is it then, you will say, that I
 “ would advise? We should yield a while, I
 “ think, to fortune; retreat out of *Italy*; re-
 “ move to *Rhodes*, or any other part of the
 “ earth. If things should turn out in our favor,
 “ we will come back to *Rome*; if they afford but
 “ an indifferent prospect, we will live in exile; but
 “ if the worst should happen, we will betake
 “ ourselves to the last remedy. But some of
 “ you perhaps may here object: why should
 “ we wait for the last extremity, rather than
 “ attempt something at the present? Because
 “ we have no place as yet where to make a
 “ stand; except with *S. Pompeius*, or *Bassus*
 “ *Cecilius*; who, upon the news of *Caesar*’s
 “ death, seem likely to grow stronger: and it
 “ will be time enough for us to go to them,
 “ when we know for certain, what strength they
 “ have.

“ have. If you would have me undertake for
 “ any thing, on the part of *Cassius* and you, I
 “ will engage my word for you : for this is
 “ what *Hirtius* requires me to do. I beg of
 “ you to send me an answer as soon as possible :
 “ for I make no doubt, but that *Hirtius* will
 “ let me know, before ten o’ clock, in what
 “ place we may meet together again upon these
 “ affairs. Send me word also, whither you
 “ would have me come to you. After the last
 “ conference with *Hirtius*, I took a resolution
 “ to demand, that we might be allowed to stay
 “ in *Rome*, with a public guard : which I do
 “ not think they will grant us ; since our pre-
 “ sence will draw a great odium upon them :
 “ I thought it my business however, to demand
 “ every thing, which I took to be equita-
 “ ble [1].”

From this letter it appears, what it was, that *Decimus* advised *Brutus* and *Cassius* to do after *Cæsar’s* death. To sit still for the present, and to attempt nothing vigorous ; but to retire even out of *Italy*, and expect what chance might offer to them : and it seems probable, that in the next conference with *Hirtius*, he actually engaged his word for them, that they should undertake nothing against the public quiet, but live retired, at a distance from *Rome* ; on the condition of a promise from *Antony*, that he would ensure their safety, and calm the disorders of the City, and restore peace to the Republic. For this

[1] Epist. Fam. xi. 1.

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was the conduct, which they actually pursued ; and which they professed to pursue, by *Antony's* advice, and from a dependence upon his promises [1]: and it was likewise, what *Hirtius* particularly required from them, and insisted with *Cicero*, that they should continue to pursue [2]: and soon after the time of this letter, *Brutus* and *Cassius* had a personal conference with *Antony*, which seems to have passed to mutual satisfaction, and where this same agreement was probably confirmed [3].

Here then we see a clear and consistent story, positively attested by three ancient Historians, that *M. Brutus*, and not *Decimus*, was the author of saving *Antony*. But what is most remarkable, the same fact is confirmed by *Cicero* himself, and in that very letter, which our Critic has alleged to confute it: where *Cicero*, in relating the particulars of his conference with *Brutus* and *Cassius*, says, “ that when he entered upon the “ mention, of what they ought to have done, he

[1] Sed certe, cum ipsi in tua potestate fuerimus, tuoque adducti consilio dimiserimus ex municipiis nostros necessarios --- Nos ab initio spectasse otium, nec quidquam aliud libertate communi quæsisse, exitus declarat. Fallere nemo nos potest nisi tu---tibi enim uni credimus, & credituri sumus, &c. *Ib.* xi. 2.

[2] *Brutus & Cassius* utinam---ne quod calidius in-eant consilium.---Retine, obsecro te, *Cicero*, illos---tantum, si quid timent, caveant. Nihil præterea moliantur. *Ad Att.* xv. 6. *Epist. Hirtii ad Cicer.*

[3] *Antonii* colloquium cum heroibus nostris pro re nata non incommodum. *Ad Att.* xiv. 6.

“ took

“ took care, not to touch upon that point, *that*
 “ *some body else should have been killed as well as*
 “ *Cæsar*; but chose to say only, what all the
 “ world said at that time, that they ought to
 “ have summoned the Senate into the Capitol,
 “ and taken the advantage of the zeal of the
 “ people, &c [1].” These were the lost oppor-
 tunities, that *Cassius* lamented, and charged to
 the account of *Decimus*, who was absent: for
Cicero's caution, about touching on the affair of
saving Antony, could not flow from any other
 motive, but his respect to *M. Brutus*, the author
 of it, who was present: and for the same reason
Cassius also, who lived in a perfect union with
 him, would not touch upon so tender a point,
 which must needs have made him uneasy; espe-
 cially when *Brutus's* mother, *Servilia*, and his
 wife, *Porcia*, and his sister *Tertia*, *Cassius's* wife,
 were a part of the company.

But our Critic refers us on this occasion to
 Mr. *Mongault's* authority and comment upon
 the place [2], whose words are these; “ *Pater-*
 “ *culus* tells us, that it was *Cassius's* advice to
 “ kill *Antony*, together with *Cæsar*, and that
 “ *Decimus Brutus* opposed it. *Plutarch* and *Ap-*
 “ *pian*, who usually copy him, say, that it was

[1] Cumque ingressus ef- portuisse tangi, sed Senatū
 sem dicere quid oportuisset; vocari, populum ardentem
 nec vero quidquam novi, sed studio vehementius incitari,
 ea quæ quotidie omnes; nec &c. Ad Att. xv. 11.
 tamen illum locum attin- [2] Tunst. Ep. p. 207.
 gere! quæquam præterea o- Not.

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“ *M. Brutus* : but there is reason to judge from
 “ this passage, that it was *Decimus* : and the ra-
 “ ther, because this last had served a long time
 “ with *Antony* under *Cæsar* [1].” Mr. *Mongault*,
 we see, builds his interpretation upon the testi-
 mony of *Paterculus* : in which he happens to be
 wholly mistaken ; since *Paterculus*, as I have al-
 ready shewn, directly affirms the contrary ; that it
 was *M. Brutus*, and not *Decimus*, who over-ruled
 the Design of killing *Antony* [2]. Mr. *Mongault* was
 drawn inadvertently into this mistake by two
 eminent Commentators, *Bosius* and *Popma*, who
 had declared the same before him [3] : which
 shews what little dependence ought to be placed
 in questions of this sort, on second-hand testi-
 monies, without recurring to the originals. But
 from this unlucky reference to Mr. *Mongault*,
 we plainly see, that our Critic’s great attempt,
 to correct the false tradition of antiquity, was
 grounded at last on nothing else, but a gross
 and palpable error [4].

[1] *Mongault*. Remar. 5.
 in Ep. ad Att. xv. 11.

[2] Quo anno id patravere
 facinus, *Brutus* & *C. Cassius*,
 prætores erant; *D. Brutus*
 consul designatus. Hi---sti-
 pati gladiatorum *D. Bruti*
 manu, Capitolium occupa-
 vere; cum Consul *Antonius*
 (quem cum simul interimen-
 dum censuissent *Cassius* ---
Brutus repugnauerat; disti-

tans, nihil amplius civibus,
 præter Tyranni--- petendum
 esse sanguinem, &c.) Vell.
 Pat. l. ii. c. 58.

[3] Vid. Notas *Bosii* &
Popmæ in Epist. ad Attic. l.
 xv. 12. Edit. Græv.

[4] This use of Mr. *Mon-*
gault’s testimony seems to be-
 tray no small dissingenuity in
 our Critic; and would make
 us apt to suspect, that he is

He

He produces another imaginary contradiction, between the true *Cicero* and the author of this letter, who says, *when I saw the City in the hands of Traitors, oppressed by the arms of Antony, and that neither you nor Cassius could be safe in it, I thought it time for me to quit it too.* This plainly implies, he says, *that Cicero did not leave Rome, till Brutus had first left it*, whereas it is certain, *that he quitted it immediately after the meeting of the Senate in the Temple of Tellus, and that Brutus and Cassius staid in it some time longer* [1]; for the proof of which he refers us to four of *Cicero's* letters to *Atticus* [2]. Now the meeting of the Senate in that Temple was on *the 17th of March* [3]; and from the letters to

more solicitous to establish an Hypothesis, than the Truth. He had undertaken to prove, that *D. Brutus was the adviser of saving Antony's life.* Mr. *Mongault* had declared himself of the same opinion, but upon the mistaken authority of *Paterculus*, who in reality declares the contrary. Our Critic in all probability must have seen that mistake, yet thought fit to dissemble it; because the confession of it would have overthrown his own opinion, and Mr. *Mongault's* testimony at the same time; from which he might hope, however, to draw some advantage; imagining, as it gene-

rally happens in such cases, that few or none of his readers would take the pains to examine it.

[1] *Aperte dicit, quod tute etiam intellexisti, se urbe excessisse postea quam Brutus & Cassius excessissent*---statim post eum diem urbe excessisse eum---veræ ejus *Epistolæ* declarant. *Tunst.* p. 208.

[2] *Ad Att. l. xiv. 1, 2, 3, 4.*

[3] It was *the third day after the Ides*, when *Antony* summoned the Senate into this Temple, *Phil. ii. 35.* which was the Feast also of *Bacchus*, called *Liberalia*, on 16 *Kal.* April. *Ad Att. xiv. 10.*

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which we are referred, it appears, that *Cicero* did not leave *Rome* till about the 5th or 6th of *April*, near three weeks later, than our Critic supposes him to have quitted it. But how does he prove that *Brutus* and *Cassius* staid in it all that while? Why because *Cicero*, in a letter dated *April 11th*, says, that they were forced to hide their heads, or to keep themselves close within their own walls [1]: and in another, dated the 12th, that they had held a conference with *Antony* [2]: neither of which implies, that they must necessarily be in the City: for whether they were in it, or in the near neighbourhood of it, in the one of which they undoubtedly were, they kept themselves so close, that none but their own domestics knew where they were: and it is most probable, that their conference with *Antony* was held out of the City, where they could hold it with more ease and safety, than in the midst of the riots within. This however is certain, that neither *Cicero* nor *Brutus* went out of *Rome*, till after *Cæsar's* funeral, and the tumults that ensued upon it. *Plutarch* declares, that *Brutus* and his accomplices quitted it directly upon that very occasion [3]; which is confirmed, as we have seen above by *Decimus's* letter: and *Cicero* mentions *Brutus* to have been seen near *Lanuvium*, before the 14th of *April* [4]. So that without any contradiction to what is said in his

[1] *Parietibus contineri.*

Ad Att. xiv. 5.

[2] *Ad Att. vi.*

[3] *Plut. in Brut.*

[4] *Brutum nostrum audio visum sub Lanuvio. Ib. vii. genuin*

genuin letters, *Cicero* might possibly stay in *Rome*, till *Brutus* retired out of it. But if *Brutus* after all had onely disappeared, or kept himself close within the City, for a few days before he left it, or had continued there in private, for a day or two after *Cicero* was gone, which is the utmost that can be pretended, it would be intirely consistent with every thing, that is said or implied about it in these suspected letters.

He urges another objection of the same kind, drawn from these words, *you were retreating, Brutus, were retreating, I say; since your Stoics will not allow their wiseman to fly.* Where the *Sophist*, he says, foolishly blames *Brutus's* retreat out of *Italy*, which the true *Cicero* had advised [1]. But by the same way of reasoning, every caviller whose views do not reach to the whole of things, and who makes no allowance for different circumstances, may find contradictions in any thing, that a man either says or does.

I have observed above, what is opened more at large in *my Life of Cicero*, that from the moment of *Cesar's* death, *Cicero* constantly urged *Brutus* to vigorous measures, and not to trust to *Antony*, who would promise every thing and perform nothing. *Brutus*, on the other hand, depending on the integrity of his cause, and having conceived some hopes of *Antony*, resolved to procede calmly, and give no pretext on his part for war. When by this indolence he was driven out of *Rome*, he pursued the same resolution,

[1] Tunst. p. 209.

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of living quiet and retired in the country. *Cicero* in the mean time, displeased to see him sit idle, while *Antony* was gathering an army about him, advised him and *Cassius*, in the conference above mentioned, instead of doing nothing at home, where their persons were exposed to danger, to accept a commission, which the Senate had provided for them, and to go abroad : where they would not only be safe, but might have an opportunity of securing some of the provinces and armies to their interests. But this advice also was rejected, and *Brutus* continued still inactive ; waiting, as *Cicero* tells us, for some favourable turn of affairs at *Rome* ; till finding his hopes disappointed, and his enemies grown too strong for him in *Italy*, he was forced at last to retreat, in order to try his fortune elsewhere.

With this Comment, the passage in question will be found consistent with every thing that is said by the true *Cicero*. The letter objected to, is an apology for *Cicero's* conduct, in answer to the exceptions of *Brutus* ; wherein *Cicero* takes occasion to recapitulate the motives of all his measures, from the time of *Cæsar's* death ; and puts *Brutus* in mind of what he had advised at that time, both to him and *Cassius* ; and how by adhering to their own pacific maxims, in opposition to his advice, they had been forced to quit *Rome*, and afterwards *Italy* itself.

Nor is it yet, as our Critic imagines, the act of quitting *Italy*, that is censured at all in this place ; for that was become necessary in *Brutus's* present

present circumstances; and as such, is even commended by *the true Cicero* [1]; but it is *Brutus's* general conduct, which is blamed, for driving him to that necessity, *of flying out of Italy*, when by following *Cicero's* council, he might have been master of it. For it is certain, that *Cicero* never wished or advised him to go abroad, till by his own fault he could no longer be safe at home [2].

But our Critic does not reflect, that by this very argument he makes *the true Cicero* not only contradict the Sophist, but confute even himself; and by the same method therefore, may prove any other part of *Cicero's* works to be spurious, as easily as these letters. For *Cicero*, as I have shewn, often complains in his letters to *Atticus*, that *Brutus* had lost his Opportunities, and even ruined his cause by his indolence, in those very first days of his residence in the Capitol [3]. Yet the same *Cicero*, in a speech to the Senate,

[1] *Brutus* quidem subito, sed sapienter. Ad Att. xv. 20.

[2] — Age, quiescant auctoribus nobis? quis incolomitatem præstet? [Ad Att. xv. 10.] Ego — suadere ut uteretur Asiatica curatione frumenti: nihil esse jam reliqui, nisi ut salvos esse. In eo etiam ipsi Reip. esse præsidium — tuto enim non esis [Romæ.] Quid si possem esse? placeretne? atque ita, ut

omnino neque nunc neque ex Prætura in provinciam ires. Ad Att. xi.

[3] Itane vero! hoc meus & tuus *Brutus* egit, ut Lanuvii esset? — meministi me clamare; illo ipso primo Capitolino die, Senatum in Capitolium a Prætoribus vocari? Dii immortales! quæ tum opera effici potuerunt? — libellus tu accusas, quid fieri tum potuit? jampridem perieramus. Ibid. xiv. 10.

applauds

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applauds *that very indolence, and his retreat out of Italy, as a wonderful instance of his patience, moderation, and love of peace: whom no injuries could provoke to think of war, till he saw the Senate itself obliged to take arms* [1]. But with a proper allowance for different circumstances, this will be found intirely consistent; and both the one and the other perfectly agreeable to *Cicero's* character: first, to give the best advice to *Brutus* that he was able; and, if that was rejected, then to make the best construction, and the best use of the measures, which *Brutus* chose to pursue.

The next contradiction, urged against the same letter, is this, that whereas it tells us, *that Servius first moved the Senate, to grant Octavius the privilege, of suing for the public Magistracies before his regular time, and that Servilius also moved, to shorten that time*, yet it appears from *Cicero's* genuine writings, that he himself was the first, and the only one, who made any such motion [2].

It is declared, indeed, in one of *Cicero's Philippics*, that among the honors granted to *Octavius*, at *Cicero's* motion, it was decreed, *that he might sue for the public Offices, as if he were then*

[1] Tantamne patientiam, quo imperium *Cæsari* decrevit, primo, eoque ipso, ut Dii boni! tantam moderationem, tantam in injuria verius dicam, spiritu, sententiam dixit ipse, non alienæ tranquillitatem & modestiam? &c. Phil. x. 3. adsensitus est. Tunst. Ep. p.

[2] *Cicero* tempore illo, 211.

of *Quæstorian rank* [1]. But how does it appear, that nobody but *Cicero* had ever made the same motion, either in that or any other meeting of the Senate? For as this was but a part, and the most inconsiderable one, of those honors which *Cicero* decreed to him, so it may be presumed, with regard to this particular article, that it had been proposed before by *Servius*, and that *Servilius* might move still, to carry it one step farther, so as to have *Octavius* considered, as an *Ædilician*; and that *Cicero* might close with his friend *Servius*, and then add the other greater honors; the legal command of his army, with the rank and ornaments of a *Prætor*. This solution is intimated by *Manutius* [2]; and may fairly be presumed, I say, upon the credit of these letters; till it can be shewn to be either absurd in itself, or flatly contradicted by a better authority. For otherwise, our Critic's argument is a mere *petitio principii*, which doubly begs the question; first, in rejecting the fact, because it is found in these suspected letters, and then rejecting the letters, because this suspected fact is found in them.

He charges another inconsistency upon the eighteenth letter, which he discovers in these words; "as to *Cæsar*, who has been governed hitherto by my advice, and is indeed of an

[1] Ejusque rationem, superiore Quæstor fuisset. quemcumque Magistratum Phil. v. 17.

appeter, ita haberi, ut haberi per leges liceret, si anno

[2] See *Manutius's* note upon the place.

"excellent

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“excellent disposition and admirable constancy;
 “some people, by most wicked letters, messa-
 “ges, and fallacious accounts of things, have
 “pushed him to an assured hope of the Consul-
 “ship: which, as soon as I perceived, I never
 “ceased admonishing him in absence, nor re-
 “proaching his friends, who are present, and
 “who seemed to encourage his ambition: nor
 “did I scruple, to lay open the source of those
 “traiterous councils in the Senate [1].” Where
 he observes in the first place, that we have a
 quite different account of this affair from *Plu-
 tarch*; whose authority is again called to his as-
 sistance; though in the last instance, when it
 was expressly on the side of these letters, he de-
 clared it to be of no other use, but to mislead a
poor Sophist. But now he tells us, that *though*
the Sophist appears to have seen what Plutarch
says, yet being resolved to defend *Cicero*,
 he chose to take no notice of it: and he
 thinks it certain likewise, “*that Cicero would*
 “*never have called Octavius’s attempt upon the*
 “*Consulship a most wicked one, or exposed the*
 “*source of it in the Senate, when he himself had*
 “*decreed to him the honors above mentioned, and*
 “*given him an assured prospect of the Consul-*
 “*ship* [2].”

Cicero had decreed to *Octavius* the privilege
 of pretending to the public Magistracies, as if

[1] Tunst. Ep. p. 212.

sulatus habita, sceleratissima

[2] *Cicero certe consilia il-
 la de Caesaris petitione Con-*

vix appellasset, &c. Tunst.
 213.

he had already been a *Quæstor* : which gave him the start by ten years, before all others of the same age : for he was now scarce *twenty years old* ; and could not legally have obtained the *Quæstorship*, till he was *thirty*. Yet this privilege left him still at a great distance from the *Consulship* : which he could not yet pretend to, till he had passed through the *Ædileship* or *Tribunate*, and after that, the *Prætorship* : all which, with the regular interval between each of them, would require about ten years more, before he could arrive at the *Consulship*.

But our Critic, by the manner of pushing his argument, seems to mistake the matter, and to imagine, that by the rank and ensigns of a *Prætor*, decreed to him by *Cicero*, he was in effect to be considered as a *Prætor*, and had nothing left, but to demand the *Consulship* at the next step : whereas his rank of *Prætor* reached no farther, than to a mere precedency in the *Senate* ; whilst, in other respects, he was to be treated onely as a *Quæstor* ; and to pass through all the higher offices in their turn. *Cicero* then might well be shocked, as every body else was ; that a boy, not twenty years old, should not be content with the extraordinary honors, already decreed to him, but in contempt of those, who decreed them, resolve at once to seize the *Consulship* : since an ambition so extravagant, and so bold an insult upon the laws, was not likely to stop there, but threatened the utmost danger to the liberty of the Republic,

He

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He alledges another fact, as a farther ground of suspicion upon these letters, that in letter the 11th, dated *the 15th of May*, Brutus begins to express his apprehensions, that Octavius would make an attempt upon the Consulship, before Octavius himself had given the least indication of it [1]. But why does he fancy, that Octavius had not given any intimation of such a design? The Consuls had been dead about a month; and all Rome was expecting who should succede them; where all people's eyes and thoughts would necessarily be turned upon Octavius, as the only person in Italy, who could impose what Consuls he pleased: and who, by his refusal to pursue Antony, or to take any farther step against the declared enemies of the Republic, seemed to be forming some projects, which alarmed the friends of liberty; and in consequence of which, he afterwards seized [2] the Consulship in August. D. Brutus, we find, in a letter to Cicero, dated *May the 5th*, plainly intimates his apprehensions on this very article [3]. Yet our Critic will not allow M. Brutus to be half so sagacious as his name-sake; or capable of apprehending what Decimus had

[1] Brutus enim—timet statim (prius etiam, quam Caesar ipse suæ voluntatis indicium ullum ediderat) de Consulatu, &c. Tunst. Ep. 213.

[2] Sextilem mensē e suo cognomine nuncupavit—quia hoc sibi & primus

Consulatus, &c. Sueton. in Aug. c. 31. Dio, p. 552.

[3] Quantam perturbatio- nem rerum urbanarum affe- rat obitus Consulū, quan- tamque cupiditatem hominibus injiciat vacuitas, te non fugit. Ep. Fam. xi. 10.

suspected

suspected about a fortnight before: for on the improbability of such a supposition, the force of his present objection depends.

He next produces, what he calls a *manifest and most shameful blunder*, from the 14th letter [1], where Cicero says; *as to what you write concerning the Sedition about C. Antonius, in the 4th Legion, &c.* Upon which our Critic insults the poor Sophist, for *his scandalous ignorance, in not knowing, what is mentioned so frequently in Cicero's Philippics, that the 4th legion, which is here said to be with Brutus in Macedonia, was actually with Hirtius at this time before Modena* [2]: and so far I allow, that the 4th veteran legion was now fighting against Antony, in Italy; and on that account is so often celebrated in Cicero's *Philippics*, that no man, who had compiled them so diligently as this Sophist, could possibly be ignorant of it. I allow, likewise, that the Roman legions were distinguished, according to the order of their enrollment, by the names of the 2d, 3d, 4th, &c. But to clear the letters still from this *manifest blunder*, I take it for a certain fact, though our Critic, it seems, does not

[1] Jam aliam *ἀνιστορία* adfero, manifestam quidem illam & plane pudendam. Tunst. p. 215.

[2] Nunquamne in *Orationibus Ciceronis Philippicis*, quarum tamen dicta sententiasque sæpenumero compi-

lasse videtur, *legionem quartam* *Cæsar*is fortunas a principio belli secutam esse animadvertit; hocque tempore ipso sub *Hirtio* Consule, duce militasse? quæ quidem ignorantia ideo turpior est, &c. Ibid. 216.

know it, that the Roman Generals, who had occasion to raise new legions in distant parts of the Empire, used to name them according to the order, in which they themselves raised them, without regard to any other legions whatsoever. Thus I have observed, in some ancient inscriptions, *two distinct legions*, called at the same time *the 4th*: viz. *the 4th Scythian*, and *the 4th Flavian*: the one having been raised on the confines of *Scythia*; and the other somewhere else by *Vespasian* [1]: and in *Gruter's collection*, we may find *six* or *seven* more under the same denomination, but distinguished by different surnames, drawn chiefly from the places, in which they had been raised, or had long resided; as *IIII Cyrenaica*, *Gallica*, *Italica*, *Sorana*, in *Hispania*, &c. Thus *Dio* likewise, in a catalogue of all *the veteran legions*, which had been kept up to his time, from the reign of *Augustus*, reckons *three*, which were each severally called, in different parts of the Empire, by the name of *the third legion*; one in *Phanicia*, one in *Arabia*, and one in *Numidia*: *two* others also, called *the 6th*; one in *Britain*, and one in *Judea*: and in the same manner *the 7th*, *8th*, and *10th*, appear likewise to have been *duplicates* [2].

[1] Vid. Marfigli Hist. at Rome, there is an ancient Danub. Tom. ii. p. 122, Stone, with the names of the following Legions inscribed on it.

Dio. p. 564. Edit. Hanov. In the area of the Capitol

Brutus therefore, when he made himself master of *Macedonia*, having secured *all the veteran troops in that Province*, and raised new ones [1], to the number, as it is here said, of *five legions*, distinguished them undoubtedly by the order, in which he himself had raised and placed them, without respect to any other legions in the Empire. For in that time of confusion, when every General was raising not only new, but hostile and opposite legions, it was hardly possible to distinguish them otherwise; since it was not easy to know, either the distinct number of the whole Empire, or that of their particular enemies. *Dec. Brutus* was at the head of *ten*, or at least of *seven legions*, all of them new: *Ventidius* at the same time had raised *three* for the service of *Antony*; so that *Brutus*, in giving an account of the *Sedition* in his army, could not mark out the particular legion in which it happened, in any

NOMINA LEG.

II AUGUSTA	II ADIVTRIX	IIII SCYTHICA
VI VICTRIX	IIII FLAVIA	XVI FLAVIA
XX VICTRIX	VII CLAVDIA	VI FERRATENSIS
VIII AUGUSTA	I ITALICA	X FRETENSIS
XXII PRIMIGENIA	V MACEDONICA	III CYRENENSIS
I MINERVIA	XI CLAVDIA	II TRAIANA
XXX VLPia	XIII GEMINA	III AUGUSTA
I ADIVTRIX	XII FULMINATRIX	VII GEMINA
X GEMINA	XV APOLLINEA	II ITALICA
XIII GEMINA	III GALLICANA	XIII PARTHICA
I PARTHICA	II PARTHICA	

[1] *Brutus*—in *Macedoniam* advolavit—legiones conscripsit novas, excepit veteres. *Philip*, 11, 12.

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other manner, but that of the order, in which it stood among his own *five legions*.

He discovers another inconsistency in the same letter, which he calls still *more wonderful*: for *Antony's defeat and flight from Modena* are mentioned in it, he says, by *Brutus*, *before he could possibly have heard of them*: which he proves from *the date* of the letter, as it now stands in all the Editions, on *the 18th of April*, whereas the news of that event did not arrive at *Rome*, till *after the 20th* [1]: but the *dates* of letters, as every novice in Criticism knows, are too weak a foundation to lay any stress upon; on account of the infinite blunders, that are perpetually made in them, through the ignorance or inadvertency of transcribers, in all MSS whatever. They were described by numeral letters, according to the Roman way of computing, by *the Nones, Ides, and Kalends* of each month, in this manner; VI, V, IV, III, &c. Non. VIII, VII, VI, &c. Id. XVII, XVI, XV, &c. Kal. and there is scarce a possible mistake, that can be committed, either by adding, deducting, or transposing any of these numerals, but what has actually been made, in some of the best MSS, and is still found even in the best editions of *Cicero's works* [2]. For example; in one of

[1] *Alia porro in eadem Epistola Cicero noster memorat magis adhuc mirabilia.* Tunst. p. 216.

[2] Sometimes an x is dropt out of the date: thus

instead of XIII Kal. some copies have III Kal. [Ep. Fam. x. 6.] Sometimes it is changed into v, and vice versa; and where we find VIII Kal. other MSS give his

his letters to his Brother, where he is giving an account of the transactions at *Rome* for several days successively, *all the dates*, as they now stand, are manifestly contradictory to the contents of the letter, and must necessarily be changed, before they can be reduced to a consistency with it [1]. Thus also, one of the letters to *Tiro* [2], is dated *xv Kal. Nov.* where some MSS dropping the *x*, make it *v Kal. Nov.* others changing the month, make it *xv Kal. Dec.* yet the original date, as it evidently appears from a following letter, was *xvi Kal. Dec.* [3].

The dates of letters then cannot be urged in prejudice to facts, unless they themselves be first proved to be genuin, or there appear no reason at least to suspect them. But in this case, it is hard to conceive, that a Sophist should flatly contradict, by the date, what he affirms in the

xiiii Kal. [ad Att. viii. 6.] Some of the single strokes are oft omitted or added to the original date: so that instead of *ii*, some copies have *iii*, others *iiii* Non. [ad Att. vii. 19.] The *Kalends* likewise are often changed to *Ides* or *Nones*, and vice versa: as where we read *iv Kal. Feb.* some MSS have *v. Id. Feb.* [ad Att. viii. 11.] And instead of *Prid. Id. Sext.* others, *prid. Kl. & prid. K. Sex.* [Ep. Fam. xiv. 23.] And lastly, one month is

sometimes put for another. As for *iiii Kal. Jun.* others have *iiii Kal. Maii*, and others, *iii Kal. Maii*. [ad Att. iii. 8.] All which mistakes, with many instances of each, the reader will observe, by comparing *the dates of the letters*, in *Grævius's* edition, with the various readings, which he has collected of them.

[1] Ad Quint. Fratr. l. ii. 3.

[2] Ep. Fam. l. xvi. 7.

[3] Vid. *ibid.* Ep. 9.

A a 3 letter,

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letter, as that *Cicero* himself should have done it. Our Critic therefore, if he expects to make any impression, must not depend upon *dates*, as of any force in the question : for where he has nothing else to alledge, we shall reduce those dates to a conformity with the facts, and his pretended contradictions will vanish at once : which is a sufficient answer, not onely to the present objection, but to all others of the same kind.

He offers another of his *notable* objections, as he calls them, to letter the xith ; wherein *Brutus* expressing his joy for the victory at *Modena*, declares himself particularly pleased, *that Decimus's eruption or sally out of the Town, was of such moment towards determining the victory* [1]. Here *Brutus*, he says, *speaks of this eruption before he had heard of it*. Because the express, which brought the first news of the victory, signified, that *Decimus* continued still blocked up in *Modena* : and so he certainly did, when that first express came away. But our Critic either widely mistakes, or wilfully perplexes this fact ; for, as I have shewn elsewhere [2], there were *two several victories* obtained against *Antony* before *Modena* : in the first, *Pansa* was mortally wounded, but *Antony's* troops defeated by *Hirtius* : in the second, *Antony* was utterly routed, though *Hirtius* himself was killed ; and *Dec. Brutus*, by forcing

[1] Sed in re *Bruti eruptionis* aliud est perquam notabile. Tunst. 217.

[2] Life of *Cicero*, vol. ii. p. 427.

his way at the same time out of the Town, helped to complete the victory. The first of these victories was gained on *the 15th of April*, and the news of it arrived at *Rome* on the *20th*: of which we have a distinct relation still remaining; as well as of the rejoicings, made for it at *Rome*, and of the honors, decreed for it to the victorious Generals [1]. The *second* victory, which was more complete, happened a day or two after; and the news of it reached *Rome*, at the same distance of time: but there is no other account of it now extant, except what may be gathered from some scattered hints, and occasional references to it.

Now in this suspected letter to *Brutus*, dated *the 22d of April*, *Cicero* makes but a slight mention of these two victories, as knowing, what he there declares, *that all the particulars of them were sent to him by other hands*: and *Brutus's* letter, in which he speaks of *Decimus's* eruption, and returns an answer at the same time to some of the particulars of *Cicero's*, is dated *the 15th of May*; during which interval of above three weeks, our Critic supposes, and on that supposition builds his *notable* objection, that *Brutus* had not heard a syllable more of that most important event, either from *Cicero*, or any body else, than what was slightly intimated in the letter just mentioned, of *the 22d of April*. A supposition, utterly incredible; and expressly

[1] Vid. Ep. Fam. x. 30. Philip. 14.

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contradicted by the very letter, which we are considering.

But he pushes this objection still farther; and makes an attempt even to persuade us, that *Antony voluntarily quitted the siege of Modena*, before he was forced to it; and that *D. Brutus* therefore could not make any *such eruption*, as is here pretended [1]: and what is still more strange, that *this same eruption is not taken notice of by any other writer, but the author of these letters* [2]: though he himself has pointed out a passage, where it is expressly declared by the *true Cicero*: who expostulating with *D. Brutus*, for not pursuing *Antony*, after so intire a rout, but giving him time to recollect himself, says; “that *famous eruption of yours out of Modena*, brought us such assured hopes of an absolute victory, from the account of *Antony's* flight, and his army cut to pieces, that all mens minds were unbent at once, and cannot be brought to think a gain of war [3].” Now does not *this famous eruption*, as it is called by *the real Cicero*, tally exactly with what is here said of it, by the imaginary Sophist; that it was an action of vigor

[1] *Appianus* porro *Antonium*, Mutinæ obsidionem reliquisse narrat—Concinit *Pollionis* Epistola ad *Ciceronem* ipsum. Tunst. p. 219. Not.

[2] Neque quidem præliis, quæ postea commissæ sunt, quibusque fufis tamen *Antonii* copiis, Consules ceciderunt,

quidquam de eruptioine *Bruti* auditur, nisi ab his. *Bruto* & *Cicerone*. Tunst. ib.

[3] Tantam spem attulerat exploratæ victoriæ tua præclara Mutinæ eruptio, fuga *Antonii*, conciso exercitu, &c. Ep. Fam. xi. 14.

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and importance towards determining the victory? And can *Antony's flight, and army cut to pieces*, consist with a voluntary retreat from the Siege? Yet our Critic, it seems, by his refining art, can extract this exquisite sense out of it.

But he urges us with a contradiction between the letters themselves; because in the 14th letter, *Brutus* is said to have *five legions, with an excellent body of horse, and a great number of auxiliaries*; yet in the 4th is declared to want *both money and recruits*. Which knot, says our Critic, you in vain endeavour to solve, by telling us, that though *Brutus* in his public letters to the Senate, signified nothing but what was prosperous, yet in his private letters to *Cicero*, he laid open his wants [1]. But for my part, I never dreamt of any knot in the case; nor can I now see any, but in our Critic's imagination; who fancies, that *five legions with an excellent body of horse*, was a force sufficient to support the liberty of *Rome*. Whereas when *D. Brutus*, who had *ten legions*, was joined with *Plancus*, who had *four*, as good as any in the Empire, with the strongest body of horse; yet they both earnestly demanded supplies; without which, they declared themselves too weak, to venture a battle with *Lepidus* and *Antony* [2]: and they had great reason to

[1] Itaque in hoc nodo explicando parum proficis, Tunst. p. 223. Life of Cic. vol. ii. p. 372.

[2] Copias nostras notas tibi esse arbitror. In castris meis legiones sunt veteranae tres

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press that demand; since *Antony*, as *Plutarch* tells us, after his union with *Lepidus*, marched into *Italy* with *seventeen legions and ten thousand horse*, and left *six legions* still behind him in *Gaul* [1]. *Brutus* therefore, a great part of whose troops was newly raised, and unprovided with necessaries, might well call for recruits, though he had *five complete legions*.

He goes on to tell us, that he finds the same contradiction to true history, with regard also to the affairs of *Cassius* [2]. But what he has produced to support that assertion, is so perplexed and involved, that I am at a loss how to unravel it. For after jumbling together several facts of a different kind, and of different times; and among the rest, the account of *Cassius's success in Syria*, he declares, that *these new events gave birth to the xith Philippic*. Where it is not easy to conceive, what it is, that he would suggest to us. Whether it be, that by the blundering account of these letters, *Cassius's success*, the news of which did not arrive at *Rome* till *April*, is made the occasion of the *xith Philippic*, which was spoken in *March*: or whether he would have us take it for his own opinion, that *Cassius's success* did really give occasion to that speech.

tironum vel luculentissima ex omnibus una: in castris *Brutti*, una veterana legio, altera bima, octo tironum. Ita universus exercitus numero amplissimus est, firmitate ex-

iguus, &c. Ep. Fam. x. 24.

[1] Plut. in Anton. p. 923.

[2] De C. item Cassio non minora peccata sunt. Tunst. p. 223.

But

But whether he means the one or the other, it is certain, that he mistakes the matter ; and that the letters in question are perfectly consistent on this head : since they neither suppose *the news of Cassius to arrive at Rome, till the beginning of April*, nor make any reference to *Cicero's xith Philippic*, but as to a speech delivered before that time, and without any relation to *that news* : as every one will perceive from the letters themselves, to which he refers us [1].

His next objection, though more intelligible, is not more to the purpose ; where he observes, that *Cicero*, according to these letters, received an account of *Cassius's success, in the beginning of April*, yet writing afterwards to *Brutus*, on the 5th of May, he says ; *as to Cassius's forces, we know nothing at all about them; for we have neither received any letters from him, nor any intelligence, that we could certainly depend upon* [2]. Upon this, he insults, as upon a flagrant contradiction. *What is become now*, says he, *of Brutus's express on Cassius's affairs, on which Cicero congratulated himself so much, on the xith of April? And how can he write in this manner to Brutus, from whom he had received a distinct account of those very forces long before* [3]? But, if he will have a little pa-

[1] Vid. Epist. ad Brut. rebus gestis, quibus *iii Id. Apr.* auditis, *Cicero* Reip.

[2] Vid. Epist. ad Brut. gratulabatur? Quomodo porro nunc scribit ad *Brutum*—

[3] Ubi nunc sunt *Bruti nostri* nuncii, de *Cassii* *κατὰ πρός* narrantem longē
tience,

tience, he will find it all consistent. For though *Cicero* had heard in *April*, that *Cassius* was master of all the forces in *Syria*, yet from that time, he had not heard a syllable of what he had done with those forces; or which way he had marched with them, and was in the utmost expectation to hear of some action performed with them. This is all that is meant in the passage before us; as it appears from a letter of the true *Cicero* to *Cassius* himself; wherein he professes the same ignorance still of *Cassius's* forces in *July*, which the suspected *Cicero* does here in *May*: his words are these: "As for your
 " army, I will do every thing to serve it, that
 " lies in my power. But there will be time
 " enough for that, when we begin to know,
 " what help it is likely to bring, or has already
 " brought to the Republic. For we have heard
 " nothing of you hitherto, but attempts onely:
 " those indeed are great and noble; but we long
 " to hear of some action: which, I persuade
 " myself, is already either over, or near at
 " hand [1]."

Our Critic indeed refers us to another letter of the true *Cicero*, wherein it is said, that they had heard nothing at all, either where *Cassius* was, or what forces he had [2]. Whence he infers, that *Cicero* had received no information at all about *Cassius* at that time. But this letter was written

ante audiverat? Tunst. p. 225. igitur *Cicero* nihil dum audiverat, nec ubi *Cassius* esset,

[1] Ep Fam. xii. 10.

nec quas copias haberet.

[2] Ibid. Ep. vii.

Verus Tunst. p. 224.

in

in *March*, immediately after *Cicero* had spoken his *with Philippic*, of which he gives *Cassius* an account in it: which was *three weeks* before any news about *Cassius* was received at *Rome*, either from *Brutus*, or any body else. So that this testimony has not the least relation to his argument; and can serve no other end, but to perplex and mislead the reader.

He shews more contradictions still, in the case of *C. Antonius*, *M. Antony's* brother, who was *Brutus's* prisoner in *Macedonia*; and says, that *Cicero* did not know, that he was taken prisoner by *Brutus*, till *Pansa* had left *Rome*; which he quitted in the end of *March*, as I readily allow; but then he affirms, what he cannot prove, that *Cicero* and *Brutus* are supposed in these letters to have written several times to each other about him, while *Pansa* continued in *Rome* [1]. But *Brutus*, as I have observed elsewhere, sent two public letters, at different times, to the Senate, concerning his affairs in *Macedonia* [2]. The first of them arrived, while *Pansa* was in *Rome*; and signified, that he had secured the greatest part of that province and the troops in it, to the interests of the Republic; and that *C. Antonius* was retired into *Apollonia*, with seven cohorts, where he hoped soon to give a good account of

[1] *Brutus* tamen noster, quod jam pridem fecerat, *Ciceronem* deinceps de capto *Antonio* consuluit; *Cicero*que de eodem consilia dedit, dum

Pansa Consul adhuc Romæ erat. Tunst. in Notis ad p. 227.

[2] See Life of *Cicero*, vol. ii. p. 400.

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him [1]. The second arrived shortly after; yet not till *Pansa* had left Rome, and brought word, that *Brutus* had now reduced the whole province, and taken *Antonius* himself prisoner [2]: and this distinction of the two expresses, which our Critic is loth to acknowledge [3], though the nature of the thing shews, that there must have been two, will dissipate at once his imaginary contradiction.

But with regard to this *Antonius*, he finds a wondrous inconsistency in the letters themselves [4]. For in one of them, *Cicero* says, “that no enemies were ever more worthy of the last punishment, than those Citizens, who had taken up arms against their country in this war— and that the Senate had adjudged all to be enemies, who followed the party of *M. Antony* [5].” And in another, “that there was no difference between *Dolabella*, and any one of the three *Antony’s* [6].” Yet he declares

[1] Philip. x. 4, 5, &c.

[2] Erat expectatio reliquiarum *Antonii*—ea quoque habuit exitum optabilem—Nam tuæ litteræ, quæ recitatæ sunt in Senatu & Imperatoris consilium—declarant. Quod—nisi in turbulentissimum tempus post discessum *Pansæ* Consulis incidissent—&c. Ad Brut. l. ii. Ep. vii.

[3] Quæ de litteris *Bruti secundis* narrantur, mihi me-

rito suspecta sunt. Tunst. p. 226. Not. n.

[4] De hoc autem C. *Antonio* multa alia *Cicero Brutusque* interloquuntur—antea vero miram sane ἀπορίαν. ib. p. 227.

[5] Hostes autem omnes judicati, qui *M. Antonii* sectam secuti sunt. Ad Brut. Ep. ix.

[6] Quid interest inter *Dola-*

at the same time, " that, when he was speaking to the Senate, upon *C. Antonius* by name, " he moved for nothing particularly severe upon " him, because he had resolved to reserve that, " till the Senate had received their information " of his case from *Brutus* [1]."

Now in this *wondrous contradiction*, as it is stated by our Critic, I can discover nothing but what is perfectly consistent. *Cicero* constantly pressed *Brutus*, to consider his prisoner *Antonius*, as an enemy ; whom *Brutus*, contrary to *Cicero*'s advice, continued to treat with great respect and tenderness. But though *Cicero* urged this in his private letters, yet in the Senate, out of regard to *Brutus*, he was content with *Antonius*'s being included in the general vote against all the adherents of that party, and would not move for any particular or personal censure upon him ; till the Senate according to custom, had received their information of his case, from *Brutus*, the General, whose prisoner he was.

He has thrown together several other passages, relating to this same *Antonius*, as seeming to be inconsistent with each other ; which are all so trifling and captious, that I need not trouble myself with the recital of them. But he closes this argument with an observation, which he declares to be *most important* [2] : that after all,

bellam, & quemvis Antoniorum
trium, &c. Ib. Ep. v.

[1] Ib. Ep. ix.

[2] *Quod autem maximum*
est, &c. Tunst. p. 229.

which

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which is said in these Epistles, about the case of *C. Antonius*, between *Brutus* consulting *Cicero* upon it, and *Cicero* giving advice; and *Brutus* again rejecting that advice; yet it appears extremely probable, that *Plutarch* had not seen any such letters [1]; because he gives this summary account of the whole matter; “that *Brutus* for a long time treated *C. Antonius* with great respect, though many of his friends, as it is said, and particularly *Cicero*, were writing and urging him from *Rome*, to put him to death [2].” I shall not dispute with him, whether *Plutarch* had seen the letters or not; being very sure, that he had very little curiosity, about seeing any of *Cicero*’s genuine letters; but this I will venture to say, that if he had not seen, he had heard of them at least, and manifestly refers to them in this very passage; which is as full an account of the affair of *Antonius*, as *Plutarch* is apt to give of affairs of much greater importance.

He observes, in the next place, that in the case of *Lepidus*, these letters are plainly prophetic, and speak of facts, long before they happened [3]: for in the third of them to *Brutus*, *Cicero* says; “from the letters of your own people, you are convinced, I guess, by this time, of the levity, inconstancy, and perpetual disaffection of

[1] *Plutarchum* tamen harum *Epistolarum* vidisse nullo, perquam verisimile est. Tunst. p. 229.

[2] *Plut.* in *Brut.* 996.

[3] *De Lepido* noster plane divinus est. Tunst. p. 229.

“ your

"your friend *Lepidus*, who next to his own Brother, hates you his near relations the most."

This passage he supposes to have been borrowed by the Sophist, from a letter of *the true Cicero* to *Cassius*, which begins thus; "You are informed, I guess, from the public acts, of the treachery of your Kinsman *Lepidus*, and his surprizing levity and inconstancy [1]."

Where *the Sophist* was very blind, he says, not to see, that the letter of *the true Cicero*, which refers to *Lepidus's* union with *Antony*, was written after the battle of *Modena*; whereas the censure upon *Lepidus*, in this suspected one, was written before that battle [2]. And so far indeed I agree, that *the times or dates* of the two letters are quite different; but there is a good reason for it; because *the facts*, to which they allude, are different too; and *the blindness* must not be charged to *the Sophist*, but to the Critic, whose Hypothesis would not suffer him to see any fact but one, of which *Lepidus* could be guilty. For he affirms, that, before the battle of *Modena*, it was not possible for *Brutus* to know any thing of *Lepidus's* inconstancy, from the accounts of his friends [3]: which, though boldly affirmed, is utterly false. For before that battle, two of *Lepidus's* Lieutenants, *Silanus* and *Culleo*, marched with a detachment of *Lepidus's* troops to *An-*

[1] Ep. Fam. xii. 8.

[2] Sed tamen ille alter valde cæcutivit, quod non animadvertit, &c. Tunst. 229.

[3] Tunst. 230.

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tony's assistance; which, as all people then imagined, was done by *Lepidus's* order, but most certainly by his connivence [1]. This then is the fact, to which this letter refers: and which, after *Antony's* defeat, *Lepidus* himself endeavours to excuse to *Cicero*, in an humble strain; disclaiming the act of his Lieutenants, and declaring it *to have been done against his will* [2]. But before the time of *his union with Antony*, which our Critic takes to be *the first, and only instance of his inconstancy*, *D. Brutus*, in a letter to *Cicero*, calls him, a man *as light and variable as the wind, and who was never disposed to do any thing that was right* [3]: which implies many former instances of an inconstant and perfidious temper; agreeably to the character given of him in these letters, where *Cicero*, speaking of *his union with Antony*, says, *that they had experienced many instances of his levity before, but not any, that was likely to be so pernicious* [4].

As to the letter of condolence, from *Cicero* to *Brutus*, the 16th of this collection; he allows it, whether forged or genuin, to relate, as I have applied it, to the death of *Porcia*, *Brutus's*

[1] Dio, l. xlv. p. 316.

[2] *Silanus & Calleo* ab eo discesserunt. Nos etiam graviter ab his læsi eramus, quod contra nostram voluntatem ad *Antonium* ierant, &c. Epist. Fam. l. x. 34.

[3] In primis rogo te, ad hominem ventosissimum, *Le-*

pidum mittas.—Sed mihi persuasissimum est, *Lepidum* recte facturum nunquam. Epist. Fam. l. xi. 9.

[4] Datumque *Lepido* tempus est, in quo levitatem ejus, *sæpe perspicimus*, majoribus in malis experiremur. Epist. xviii.

wife [1]. But the author of it, he says, not having the confidence, *openly to assert a fact, so contrary to history, contrived artfully to conceal both the name and the sex of the person, whose loss he was condoling.* But this very circumstance is so far from suggesting the suspicion of a forgery, that it suggests just the contrary: for it is not credible, that a Sophist, who had taken the bold resolution to contradict all history, should be so bashful at the same time, as to involve what he had to say in such obscurity, that nobody should be able to understand it: whereas, on the other hand, it is natural to imagine, that *Cicero*, writing upon the death of a beloved wife, should chuse out of good manners, and a regard to *Brutus's* tenderness, to avoid the mention of her name, or to dwell upon her personal qualities: which is the probable source of the difficulty, that the learned have found, in determining the real subject of the letter.

He adds a remark, as a farther proof of the Sophist's craft; how he had taken care before hand, *to drop a small hint of Porcia's illness*, that we might not be surprized to hear of her death [2]. This was cunningly done indeed, to make us believe, that she happened to be sick before she died. Yet after filling a page or two more, with observations of the same sort,

[1] De *Porcia* — scriptam tum de valetudine *Porciae* fuisse tecum omnino judico, spargentem induxit. Tunst. &c. Tunst. 231. 231. See Lett. xvth.

[2] Pro sue artificio — *Bru-*

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he declares the letter itself to be a *poor, jejune composition, which could not possibly be Cicero's*; because *Cicero*, on such an occasion, would have collected examples of similar losses from all history, as he had done before, in his treatise on *Consolation*, written upon the death of his daughter: where, as he proves by an heap of testimonies, *Cicero* had drawn together all the cases of the same kind, that either *the Greek or Roman history* furnished [1]. But he might have spared his learned pains; for if he had reflected on the circumstances, in which *Brutus* then was, at the head of the most important and critical affairs, in which a mortal could be engaged, and on which the fate of *Rome* depended; he must have thought, that the less, which was said on so tender and dejecting a subject, must needs be the better; and that this letter, as short and slight as it appears, was more agreeable to the prudence of *Cicero*, and the situation of *Brutus*, than the most studied composition on the same argument could possibly be.

He goes on to produce more contradictions from two other letters, relating to *Vetus Antistius*. The first was written by *Brutus*, and brought to *Rome* by *Vetus*, at a time when *Brutus* supposed the Consuls to be living [2]: but here lies the contradiction; that though the matter of the letter implies it to have been written, *while the Consuls were alive*, yet it is signified in the beginning of it, that the writer had heard of *the*

[1] Tunst. p. 236. in notis.

[2] See Lett. vith.
battel

battel of Modena, and consequently of *their death* [1]. It is very strange, that a cunning Sophist should be so forgetful of himself in a short letter, as to contradict in one line, what he affirms in another : but this reflection does not stop our Critic ; who, when it serves his purpose, can find a contradiction wherever he pleases : the words in which he finds it are these ; “ *Vetus Antistius* is so well affected to the “ Republic, that I cannot doubt, but that, if he “ had met with an occasion, he would have “ shewn himself a strenuous assertor of our “ common liberty, both against *Cæsar* and *Antony* [2].” Now according to his comment, the occasion, which *Vetus* had never met with, of acting against *Antony*, was nothing else but *the battel of Modena*, in which *the two Consuls were killed* [3]. But what man living, besides himself, can discover any such sense in them ? The meaning of them is evidently this ; that if *Vetus* had been at *Rome*, while he resided in the Provinces, he would have joined with the friends of liberty, in declaring and acting both against *Cæsar* and *Antony* : and there were occasions enough of doing that, long before *the battel of Modena*. *Cicero* began to act openly against

[1] Sed *Brutus*, cum illam epistolam scripsit, se *Mutinenfis* prælii nuncium accepisse, ipse in initio epistolæ declarat. Tunst. 238.

[2] See Epist. vi.

[3] Jam illa occasio, cui *Antistium* occurrere non potuisse, *Brutus* cognoverat, prælium ipsum *Mutinense* erat. Ib. 239.

Antony in *November*; *Octavius* had done it before: *Hirtius* led out an army against him in *January*; and every body was declaring and acting on the one side or the other. But no occasion could be of use to our Critic, except the *battel of Modena*; and, unless that, *battel* be referred to in those words, his pretended contradiction falls to the ground; where it will be his wisest part, I believe, to let it lie.

Vetus then, for any thing that appears to the contrary, might come to *Rome* at any time while the *Consuls* were living; or before he knew at least of their death. But he came, as the letter informs us, to sue for the *Prætorship*; and if the *Consuls* should not hold that election in due time, had promised *Brutus* to return to him directly; yet from the letter, which *Cicero* sent back by him to *Brutus* [1], we find, that he staid to the beginning of *July*: all which may easily be accounted for, by supposing onely, that a person of *Vetus's* rank, who had governed a Province, and been long absent from *Rome*, might find more business there at his return, than he expected, or enough at least, to detain him for three or four months. But there is an obvious reason for his stay, suggested by the circumstances of the times, as well as by *Cicero's* genuin letters; namely, the difficulty of making an election of *Prætors*, occasioned by the unexpected death of the *Consuls*; since no other *Magistrate* could regularly call an assembly of the

See Lett. xviith.

people

people for that purpose: yet in that exigency and time of confusion, the Prætors seemed to have taken a resolution to exercise that prerogative, till *Cicero*, by his personal authority, got the election postponed to the *January* following; when *D. Brutus* and *Plancus* were to enter upon the Consulship, from whose administration he expected the establishment of their liberty and ancient constitution [1].

As to what is objected, concerning the *elections into the Priesthoods and the Prætorships* [2], since it appears to have nothing solid in it, I shall spare myself the trouble of repeating it. The sum of it amounts onely to this; that our Critic does not know how to reconcile it to the customs and constitution of *Rome*; and that *Manutius* also is puzzled how to solve it: all which may safely be granted, without any discredit to the letters themselves: for supposing them even to be forged, I can easily imagine the author of them, to have been more perfectly acquainted with the constitution of the Republic, than any modern Critic, who has since attempted to explain them. But if any difficulty should occur to the reader on this article, he will find, I hope, a satisfactory account of it in the notes [3].

[1] Vid. Ep. Fam. x. 25, 26.

[2] Tunst. Epist. p. 241, &c.

[3] See Lett. xth, Note [10], and Lett. xth, Note [3].

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He concludes his observations about *the Priesthoods*, with this acute reflection, that the Sophist, having understood from history, *that young Cicero was made a Priest by Augustus*, took occasion to form a letter or two upon that subject, and to feign *Cicero* himself greatly solicitous to procure that honor for his son [1]. But were not all the Roman Nobles just as solicitous, as *Cicero* is said to be here, to get *their Sons elected Priests*? If there was no such practice in *Rome*, that might be a reasonable objection to these letters, which make so much mention of it: but if all the Nobles, at all times, really acted, as *Cicero* is supposed to act on this occasion, what room is there for any scruple, or refinement in the case? But this is his constant method of criticising; if he sees any thing in the letters, which he knows not how to reconcile to *history*, or to *the true Cicero*, or to *the customs of Rome*, he condemns them presently as spurious; if he finds them to agree exactly with them all, he then alarms us, with *the scholastic arts, the minute diligence, and the subtile imitation of the Sophist* [2].

He proceeds to observe, that from *the number*

[1] Non sine causa videor suspicari, nostrum—*ὑπόθεσιν* scribendi sumpsisse ex eo, quod illum postea a *D. Augusto* Sacerdotem factum esse ex historia comperisset. Tunst. 245.

[2] Περιπυρασία etiam scholastica in illis est. Ib. 235. Not. Hic notanda diligentia minime Ciceroniana. Ib. 245. Imitationis vestigia magis manifesta sunt. Ib. 220. Not. &c.

of *auguries* in these letters, or *presages of things*, which really happened, it is reasonable to conclude, that *the events did not follow the predictions*, but that *the predictions were forged afterwards upon the events* [1]: and this he frequently insinuates in different parts of his work [2]. For it never seems to enter into his head, that *Cicero* could know any thing more of affairs than he, or be able to foretel, what he should never have dreamt of. But whatever he may think of *Cicero*, an esteemed writer of *Cicero's* own times, who lived with him, and after him, has left us this testimony with regard to the point in question, *the presages of his letters*; "that his wisdom might be looked upon as a kind of divination; since he foretold things in futurity, not such onely, as happened whilst he himself was still living, but declared as a Prophet, what came even into common use and practice after his death [3]." Thus what those ancients, who knew *Cicero* personally, have delivered as the distinguishing character of his letters, our ingenious Critic considers every where, as the very proof and criterion of their forgery.

[1] Tunst. p. 245, 250, modo esse divinationem. Non enim *Cicero* ea solum, quæ

[2] Hic rerum multo post futurarum προλψis est. [Ib. p. 226.] Sequitur aliud *Bru-ti* vaticinium. Ib. vivo se acciderunt, futura prædixit, sed etiam quæ nunc usu veniunt, cecinit ut vates.

[3] Ut facile existimari possit, prudentiam quodam- Corn. Nep. in Vit. Att. c. xvi.

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But what, after all, are *these frequent auguries*, which give him so much offence? Why, after the battel of *Modena*, and the death of the two Consuls, *Cicero* begins to apprehend, that *Octavius*, who by that accident was become the master of all the veteran forces in *Italy*, *would not be governed by him so easily as he had hitherto been*: and *Brutus* also, on his part, before he had heard of *Octavius's* design upon the Consulship, expresses his fears, *lest he should take a resolution to seize upon it* [1]: apprehensions so obvious and natural, that they could hardly fall of being entertained, in some degree or other, by all men of sense. But observe the strange perverseness of our Critic. He had been contending, at setting out, that *Octavius*, even before *Brutus's* departure out of *Italy*, and while he had little or no power to do either good or harm, had given *the strongest reasons to apprehend every thing bad of him*; yet now at last, when *Octavius* had got all power into his hands, he contends, that he had not given the least ground to suspect; *that he would make an ill use of it*.

To this article of predictions, *he will add*, he says, *one prediction more, but that indeed a manifold one, delivered with singular confidence*, in the following words; “As to myself, I can say, “what *Plautus's* old man says in *the Trinummus*, “Life is almost over with me; it is you, who “are the most interested it. You will be “done, *Brutus*, believe me, if you do not take

[1] Tunst. p. 213, 248, &c.

“ great

“ great care. For you will neither have the
“ people always the same as now, nor the Se-
“ nate; nor a leader of the Senate. Take this
“ as delivered to you from *the Pythian Oracle*;
“ nothing can be more true [1].”

Upon this passage he cavils, in the first place,
at something, I know not what, in the expres-
sion, as not being *Ciceronian*, but betraying a
sophistical diligence [2]: he discovers likewise a
prediction, which *Cicero here makes, of his own*
death [3]. Then as to what is declared, of the
probability of danger to *Brutus*, and of a turn of
affairs at *Rome*, he takes great pains to prove,
that it could not be foretold at this time by *the*
true Cicero, but was forged afterwards by the
Sophist from the event. The strongest argu-
ment that he alledges for it, is this; “ that the
“ letter, in which *this Oracle* is delivered, was
“ most certainly written before the news of the
“ victory at *Modena* arrived at *Rome*; at which
“ time *the true Cicero* could have no ground
“ for such a presage, since the whole people and
“ the Senate, with *Cicero* himself at their head,
“ were wonderfully unanimous in the defence
“ of their common liberty [4].” But in an-

[1] Tunst. p. 245. See
Lett. xiv.

[2] Hic notanda diligen-
gentia minime Ciceroniana.
Ib. 245.

[3] Rursus Cicero suam
mortem providit—*mibi qui-*

dem ætas ferme acta est. Tunst.
292, in Notis.

[4] Imprimis hoc oracu-
lum tum esse, cum pugna
Mutinensis jam esset com-
missa, nec tamen ejus rei fa-

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swer to this, it happens, that this letter, contrary to what our Critic affirms, was written *after the victory at Modena had been known for some time at Rome*, as the contents of it expressly demonstrate; and the date of it therefore, on which he wholly depends, ought to be reduced, as I have shewn above, to a conformity with the contents.

But at what time soever the letter was written, it is certain, that there is nothing either strange or improbable, in any part of the prediction. As long indeed as *Cicero* continued the leader of the Senate, and the favorite of the people, things were sure to go well in the City; but whenever any accident should happen to him, a reverse was certainly to be apprehended: and even whilst he lived, the populace, always fickle, might possibly be gained by artifice or bribes to turn against him: and in the Senate itself, where he had the ascendant, it was with no small struggle, as it appears from his *Philippics*, that he was able to maintain it, against the Chiefs of the opposite faction: and we find from his genuine letters, what he declares in these suspected ones, that even *after the battel of Modena*, and in the midst of their joy for that victory, he found *more malevolence than gratitude*,

venisset, certissimum est. Hoc autem tempore ipso, *Cicero* noster domi populum, Senat-um; Senati ducem, civita-tem denique totam in liber-

tate communi defendenda admirabiliter consentientem videbat. lb. 247. See Lett. xiv.

in

in a great part of that body [1]. All this, I say, is declared by *the true Cicero*, while their affairs seemed to be in a prosperous state; yet our Critic thinks it incredible, that he could foresee the possibility of a change in them. But I am ashamed to detain the reader on such trifles; of which I may say with much truth, what he has not scrupled to declare of these letters, that they are the fruits of *scholastic futility*, and betray a total ignorance of *affairs and real life* [2].

He has offered two objections more to the general character of these letters, which I have not yet touched upon: first, that *they want the beauty and copiousness of the Ciceronian style* [3]; secondly, *that they are all drawn in the same style and manner of writing*, as coming evidently from the same hand [4].

As to the first, it is so contemptibly supported, that it is hardly worth while to take notice of it. He has collected several passages, which he declares to be *fruitless, improper, too confused and hard in the syntax*, to be received as *Cicero's* [5]: and he observes, that the *true Cicero*,

[1] Ep. Fam. x. 12. xi. amque statim desiderabam.
14. ad Brut. 21. Ibid.

[2] Ut ex *ωπιστησία* potius & meditatione scholastica, quam ex negotiis ipsis, vitæque veræ actione natæ esse viderentur. Tunst. 193.

[3] In illis orationis Ciceronianæ candidiorem copi-

[4] Tum eodem genere & colore descriptas esse clare perspexisse videbar. Ibid.

[5] Hæc autem sunt & dispositione perturbatiora, & *συνταξιν* duriora, quam ut credantur esse Ciceronis. [Tunst.

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if he had begun a sentence with *cave existimes*, would have resumed it after a *parenthesis*, with the same phrase; and not as this Sophist, with *cave putes* [1]: and that he would have used the præposition *per*, where the Sophist has used *propter* [2]; with other criticisms of the same kind, which cannot be a proper subject of dispute, except with those, who profess to be perfect masters, not onely of *Cicero's* writings, but of the whole extent of the Latin tongue; which no modest man will easily pretend to. Such cavils as these might be formed, I dare say, from every page of *Cicero's* genuin Epistles. In the last of them to his Brother, which immediately precedes this very collection, casting my eye upon the end of it, I observed the following sentence, *sed sumus unà tamen valde multum*; which consists onely of six words, and yet five of them *adverbs*. Now might we not declame here with our Critic, upon *the poverty and futility of the diction*; that it *wants the beauty and copia of the Ciceronian style*; and *cannot possibly be received as Cicero's*? Yet *Cicero* himself tells us, that in *familiar Epistles*, he was not at all scrupulous about the choice of words, but took the first that occurred from *vulgar use* [3].

220, in Notis.] Et sane in his Epistolis multa datur & faculentæ orationis exempla occurrunt. [Ib. 221. Not.] Hæc item duriuscula sunt. [Ib. 222. Not.] Hæc omnino futilia. Ib.

[1] Ibid. p. 204.

[2] Ibid. p. 234.

[3] Veruntamen, quid tibi ego in Epistolis video? nonne plebeio sermone agere tecum?—Epistolæ vero quotidianis verbis texere solemus. Ep. Fam. l. ix. 21.

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But in truth, all arguments drawn from *style*, are of too loose and precarious a nature, to have any great weight in questions of this sort; there being no settled rule or criterion, to which we can apply them, but the different taste and judgement of different men. Our Critic denies these letters to be *Ciceronian*, and others perhaps may do the same; yet the generality of the learned have always been of a contrary mind; and *Manutius* used to admire the peculiar dignity, or *majesty*, as he called it, *of style in them* [1]. For my own part, I take *Cicero's* hand to be so clearly discernible in them, as to think it hardly possible, that they could have been written by any body else; and if the expression, in any of them, appears to be somewhat different from that of his other Epistles, it is no more, than what may be charged to a difference of the subject; which is generally more urgent and warming in these, than in any of the familiar kind. The most effectual way of attacking them on the article of style, is to produce some phrases, of a *later origin and use* than the age of *Cicero*: and if, as our Critic contends, they had been forged after the time of *Plutarch*, we should certainly find some instances of that sort in them, on account of the remarkable change which the Latin tongue had undergone in that

[1] *P. Manutius*, in familiaribus sermionibus, sæpe so-
let earum epistolarum *maje-* *statem prædicare.* Andr. Patr.
Schol. in Fragm. Epist. ad
Brut. p. 5, 6.

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interval; in which many new words were introduced, unknown to the *Ciceronian* age; and the whole turn and fashion of writing quite altered; as every one may readily observe, in all the best writers of the intermediate ages, between *Cicero* and *Plutarch*.

As to the second objection, of *an identity of style in them all*, it depends upon the bare word and authority of our Critic. But though it could not be thought strange, if in a series of letters, between two great men of the same age and City, some similitude of expression or sentiment should happen to be found, yet in these, every man must necessarily discern as great a difference, as can possibly be expected, from the different characters of the two writers [1]. In *Brutus's*, we see an impatient, querulous, dogmatic manner: agreeable to the fierceness and haughtiness of his nature: in *Cicero's*, all the calmness, prudence, and management of *Brutus's* temper, that we should expect from an experienced Statesman, all whose views were bent, in that crisis of their affairs, on the preservation of his country: and it is this different spirit, so agreeable to the characters of the men, which makes the letters themselves so much admired by all, who read them with any judgement or attention.

Yet what is the most remarkable, our Critic, while he insists upon *this identity of style*, and

[1] See *Life of Cicero*, vol. ii. p. 487.

even

even argues from it as an allowed fact [1], has himself affirmed, and endeavoured to prove, the *greatest difference* between the letters, that can be imagined, between any of the most different writers. He calls *Brutus's Epistle to Atticus*, *really a fine one* [2]; and as for the other to *Cicero*, he gives it all the praise that can be given to a letter; and declares it to be *justly admired by all, who have any taste of fine writing, or any sparks of liberty in them* [3]. Yet on the other hand, he declares *Cicero's* answer to *Brutus*, or apology for himself, to betray the *operose diligence and wretched craft of the Sophist; to be insipid, blundering, foolish; full of obscurity, impropriety, and impertinence* [4]. What is become then of *his pretended identity of style, and coloring* in all the letters; when he himself ascribes to *Brutus's*, all the beauties, and to *Cicero's*, all the faults, that can possibly be found in any compositions of that sort?—Nor is this less contradictory to another reflection, which he insinuates with equal judgement in different parts of his work, that the *Sophist's* view in these letters, was *to vindicate Cicero's conduct and character*:

[1] Quod quidem latius etiam patere videtur, atque efficere, ut genus etiam utriusque epistolare, *unum & prope Germanum, quod in hoc epistolarum volumine deprehenditur, nequaquam esse potuerit.* Tunst. 205.

[2] Illam ad *Atticum*, sane

bellulam. Ib. 200.

[3] Neque quidem mirum est, eam in omnibus his, qui vel de scriptis recte judicare possunt, vel ullos libertatis igniculos habeant, incredibilem excitasse admirationem sui. Tunst. 203.

[4] Ibid. p. 204, ad 215.

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since he affirms the onely two letters, which accuse him, to be the finest and the strongest; and *Cicero's* defence of himself, to be the most trifling and contemptible in the whole collection.

But, as I have intimated above, the matter of these letters seems to be a stronger evidence for their authority, than their style. For it consists of a great variety of facts, and several of them not touched upon by any other writer; which could be known onely to those, who were intimately acquainted both with the constitution of *Rome*, and the affairs of those times; and are generally of such a nature, as no Sophist would chuse for the subject of his forgery, or venture to deal in so freely, for fear of betraying himself; unless we suppose him so perfect a master of all history, as to be assured, that it could furnish nothing to detect him.

The very first letter, for instance, which is cited by *Nonius Marcellus* (a circumstance sufficient of itself to evince its authority) is natural and probable, supposing it to be real, but quite otherwise, on the supposition of its forgery. For why should a Sophist pitch upon a *Clodius*, for one of *Cicero's* intimate friends; a name particularly hostile to *Cicero*? Why should he feign him a *Tribun elect*, when the *Clodii* were generally *Patricians*, and incapable of the *Tribunate*? Why should he give him a title, that carries with it an historical mark, that might possibly detect him; since it fixes the date of the letter to some time between the death of *Cæsar* and

the 10th of December; on which day *the Tribuns elect* entered into office? Why should he imagine him to have been obliged to *Antony* as well as to *Brutus*, and on that account suspected in his allegiance to the Republic? Yet all this, I say, is natural for the true *Cicero* to write: for though the *Clodii* were generally in opposition to *Cicero*, yet in so numerous a family, there were some still, without doubt, who were his particular friends; some also, who must have been *Plebeians*, either by adoption or descent from the freedmen of the *Patrician* branch, who had recommended themselves gradually to the honors of the state: and the time of this letter was the very season of people's taking their party, either for *Antony* or *Brutus*: and in the case of a Tribune, *Cicero* would necessarily be solicitous to secure him to the Republic, and prevent any coldness between him and *Brutus*, that might alienate so powerful a magistrate. But on the other hand, to suppose a Sophist sitting down, with so much thought and contrivance, to dress up a mere dry fact, void of all entertainment to the reader, is an hypothesis too forced and improbable, to be embraced by men of sense, without solid reasons to support it.

As for *the Epistle*, as it is called, to *Octavius*, which is annexed to these letters in all the editions, our Critic, from an imaginary similitude of style, pronounces it to be of *the same stamp*,

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and to come from *the same band* with the rest [1].

Yet, as far as I am able to judge, any one, with a moderate use of the Latin tongue, would discover a manifest difference on the first reading. He himself allows the Epistles which I am vindicating, to be *elegant and shining both in diction and sentiment*; declares some of them, as we have seen above, to be *fine compositions*, and justly admired by all, *who have any taste of polite writing or any sparks of liberty in them* [2].

But in this pretended Epistle, he would be puzzled to find a single sentiment, or a single word, I may say, that shines. It is a stiff and forced performance; void of all beauty either of style or sense; ever flat and spiritless; where it labors the most to move: in short, it is no Epistle, but the declamation of some boy, venting his indignation, and trying under the person of *Cicero*, how well he could harangue on the perfidy and ingratitude of *Octavius*: but whatever similitude our Critic may pretend to find between this and the other Epistles, yet time, the surest judge and discernor of true and false, has made a most substantial difference between them, by rejecting the one and retaining the other: for there is not perhaps a single person now living, who takes the one to be genuin;

[1] In Epistola ad *Octavianum*. quæ propter multa similitudinis vestigia ab eadem manu profecta esse videtur. Tunst. p. 221. Not. Epistola ad *Octavianum*, quæ τῇ αὐτῇ κόμῳ ἐστὶν. Ib. 232. Not. [2] Ib. p. 193, 200, 203, 251.

and

and very few, I believe, besides our Critic, who hold the other to be forged. *Victorius* indeed, as our Critic takes notice, entertained a more favorable opinion of this piece [1]; and *thought it not very different either in expression or sentiment from Cicero's genuin manner*: which serves only to confirm, what I have already observed, concerning *the precarious nature of arguments drawn from style*; since so learned and eminent a Critic was so easily deceived by it. I have added this piece however to the present collection, lest it should be thought the less perfect, for wanting any thing how contemptible soever, that is found in all the former editions.

I have now examined all our Critic's objections, which I took to have any weight in them, in the order in which he has ranged them; nor have willfully omitted any; but what are either too trifling to deserve any notice; or are considered by me in the notes on the particular passages objected to. But our Critic himself will hardly accuse me, of neglecting any of his capital arguments; or such, as he had reason to lay any stress upon: and a great part of the rest, which arise from corrupt *dates*, and the confusion, in which the Epistles have hitherto lain, will be dissipated at once by the very disposition and order to which I have reduced them. On the whole, the reader must needs be surprized, to see so bold an attempt so weakly supported;

[1] Tunst. p. 251.

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and scarce a single objection produced, but what is grounded either on mistake, or misapplication of the testimonies alledged to confirm it. How far any other Critic may venture hereafter upon the same attempt, and with what better success, I will not take upon me to determine; but this I may safely affirm, that the glory of atchieving it can never be reserved, after so many ages, to an adventurer, in the noviciate of his Criticism, and the very first essay of his skill.

As to the other part of his Latin Epistle, every one will easily guess from this sketch of his critical talents, what the merit of it must be. It is all of a piece; exactly agreeable to the specimen here given. For I have not singled out this part, as the most obnoxious, or most liable to be confuted; but as the onely one, in which men of letters and curiosity could be interested. The rest was written by him, as he professes, with a view of raising some reputation to himself, by exposing the faults of a work, which has been received with approbation by the public [1]: and in pursuance of that design, he has employed it chiefly in contesting the time and order of

[1] Commendatius inde institutum illud nostrum fore arbitrabor, si per earum Epistolarum scripturam depravatam, rerumque etiam ipsarum obscuritatem, Te vel minus recta quædam pro certis venditasse, vel recta nunquam perperam intellexisse constaret. Vid. Tunst. Epist. p. 1.

certain minute facts, delivered in *the Life of Cicero*; which, whether true or false, are of little or no moment, either to the general truth of the history, or the credit of the work; and it cannot therefore be of any use or entertainment to the public, to be informed, whether he or I have blundered the most about them. Yet if I should ever be invited by a proper occasion, to enter upon that task, I could shew his whole performance, as easily as I have shewn this part of it, to be a frivolous, captious, dissingenuous piece of criticism; full of more real mistakes within the compass of a little volume, than he pretends even to have found in the large work, which he has thought fit to criticise.

But to return once more to the Epistles. It may be proper, before I commit them to the reader, to put him in mind of an observation, which will enable him to judge the more clearly of this question, of their authority. They were all, excepting the first, written within the compass of four months; from the beginning of *April*, to the end of *July*; and make frequent mention or reference to four principal facts; the times of which being known from *Cicero's* genuine Epistles, may serve as so many *era's* towards settling the dates of the particular letters. The first of those facts is, the Consul *Pansa's* march out of *Rome*, at the head of his army, to join his Collegue, *Hirtius*, near *Modena*; on which he set forward before the 30th of *March*.

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March [1]. The second is, *the battle of Modena*, which happened on the *15th of April* [2]. The third is, *the union of Lepidus with Antony*, on the *29th of May* [3]. The fourth, *the vote of the Senate*, condemning *Lepidus* as an enemy, on the *30th of June* [4]. Now if there be any mention of these facts in the following letters, which cannot be reconciled with their known dates, it must be allowed to be a strong argument in favor of our Critic's hypothesis: but if nothing of that kind can be found in them, it is a great confirmation, on the other hand, of their genuin authority.

To conclude; since these letters have never yet been reduced to their proper order by any of the Editors, but published generally, as they happened to be thrown together by the first collectors of them, from imperfect and mutilated copies; I have endeavoured to dispose them in the very order, in which they were written; as far as it can be collected from the matter of the Epistles themselves: which will clear them from many of the difficulties, and imaginary contradictions, with which they have been charged. How far I have succeeded in giving *Cicero's* genuin words, or in rendering his genuin sense; I readily submit to the judgement of the reader.

[1] Ep. Fam x. 10.

[2] Ib. 30.

[3] Ib. 23.

[4] Ib. l. xii. 19.

